



Agenda Item B.5
CONSENT CALENDAR
Meeting Date: December 18, 2018

TO: Mayor and Councilmembers

FROM: Peter Imhof, Director, Planning and Environmental Review Director

CONTACT: Cindy Moore, Sustainability Coordinator

SUBJECT: Ordinance Prohibiting Shared On-Demand Motorized Scooter Operations

RECOMMENDATION:

Conduct the second reading by title only, waiving further reading of Ordinance No. 18-__ entitled "An Ordinance of the City of Goleta, California, Amending Title 10 (Vehicles and Traffic) of the Goleta Municipal Code to Prohibit Shared On-Demand Motorized Scooters from Being: Offered for Use Anywhere in the City; Placed in any Public Right-of-Way or Public Property, or Operated on any Public Property or Right-of-Way in the City." (Attachment 1)

BACKGROUND:

Shared use scooters from two commercial vendors have been operating throughout the City. While scooters can offer an additional and convenient means of alternative transportation, the City has received multiple complaints from residents and business owners. The devices can present safety hazards operationally for riders, and when they are left in the public right-of-way haphazardly, obstructing pedestrian travel and American with Disabilities Act (ADA) travel and access points, such as wheelchair ramps.

To address the immediate threat to the public health, safety, and welfare of the City and its residents, on December 4, 2018, the City Council considered and adopted an urgency ordinance prohibiting shared on-demand motorized scooters from being offered for use anywhere in the City or placed or operated in any public right-of-way or public property in the City prohibiting shared on-demand motorized scooters from being offered for use. The urgency ordinance was effective immediately. At the same hearing, the Council 1) introduced and conducted a first reading of an identical ordinance following the usual procedures of a non-urgency ordinance; 2) determined that the both ordinances are not subject to the California Environmental Quality Act; and 3) adopted a resolution adopting impound fees.

DISCUSSION:

The non-urgency ordinance introduced on December 4, 2018 is required to have a second reading before its adoption by the City Council. This ordinance will be effective on January 18, 2019, the thirty-first day after adoption. The City Council further directed staff to work with police services to develop an education and enforcement plan and regionally with the Santa Barbara County Association of Governments, and other local jurisdictions to conduct analysis and draft regulations for future consideration of a shared scooter program. Those efforts will continue in 2019.

FISCAL IMPACTS:

There is no immediate fiscal impact associated with this item. Potential impound fees may be collected as part of enforcement efforts to cover enforcement costs.

ALTERNATIVES:

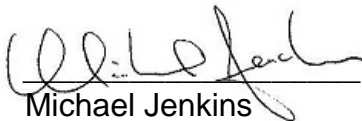
The City Council may elect to adopt the Ordinance as proposed, modify the draft Ordinance and introduce the Ordinance as modified, or decide not to adopt it.

Reviewed By:



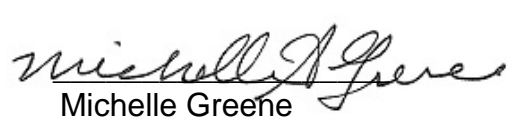
Carmen Nichols
Deputy City Manager

Legal Review By:



Michael Jenkins
City Attorney

Approved By:



Michelle Greene
City Manager

ATTACHMENTS:

1. Ordinance No. 18-__entitled "An Ordinance of the City of Goleta, California, Amending Title 10 (Vehicles and Traffic) of the Goleta Municipal Code to Prohibit Shared On-Demand Motorized Scooters from Being: Offered for Use Anywhere in the City; Placed in any Public Right-of-Way or Public Property, or Operated on any Public Property or Right-of-Way in the City"

ATTACHMENT 1

Ordinance No. 18-___ entitled “An Ordinance of the City Council of the City of Goleta, California, Amending Title 10 (Vehicles and Traffic) of the Goleta Municipal Code to Prohibit Shared On-Demand Motorized Scooters from Being: Offered for Use Anywhere in the City; Placed in any Public Right-of-Way or Public Property, or Operated on any Public Property or Right-of-Way in the City”

ORDINANCE NO. 18-__

AN ORDINANCE OF THE CITY OF GOLETA, CALIFORNIA, AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE GOLETA MUNICIPAL CODE TO PROHIBIT SHARED ON-DEMAND MOTORIZED SCOOTERS FROM BEING: OFFERED FOR USE ANYWHERE IN THE CITY; PLACED IN ANY PUBLIC RIGHT-OF-WAY OR PUBLIC PROPERTY, OR OPERATED ON ANY PUBLIC PROPERTY OR RIGHT-OF-WAY IN THE CITY

THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. A new Chapter 10.05 is added to Title 10 of the Goleta Municipal Code to read as follows:

Chapter 10.05 – Shared On-Demand Motorized Scooters

10.05.010 – Purpose.

The purpose of this chapter is to prohibit Shared On-Demand Motorized Scooters from being placed in the public right-of-way or on public property, operated in the public right-of-way, or offered for use anywhere in the City to ensure that the use of the public right-of-way at all times promotes the public health, safety and welfare and allows for safe and unhindered pedestrian circulation.

10.05.020 – Definitions.

- a) “Scooter” means a two- or three-wheeled device that has handlebars, a floorboard designed to be stood upon when riding.
- b) “Motorized scooter” means a Scooter that is powered by a motor.
- c) “Shared On-Demand Motorized Scooter” shall mean any wheeled scooter device that has handlebars, and is designed to be either powered by an electric motor or other power source, or to be powered by human propulsion, that is accessed via an on-demand portal, whether through a smart-phone, access code, I.D. card, or similar method, and is operated by a private entity that owns, manages, maintains and insures the devices for shared use by members, which are available to members in unstaffed, self-service locations.

- d) “Shared On-Demand Motorized Scooter Operator” or “Operator” shall mean an individual or a public, private, or non-profit entity that owns or manages On-Demand Motorized Scooters.

10.05.030 – General Requirements

It is unlawful to provide, place, offer for use or operate a Shared On-Demand Motorized Scooter, or to operate as a Shared On-Demand Motorized Scooter Operator in any street or public right of way, or other public place within the city in which the public has the right of travel.

- a) Any Enforcement Officer, as that term is defined in GMC Section 1.02.030, is hereby authorized by the City to enforce this chapter and is hereby authorized to impound the Shared On-Demand Motorized Scooters of any person or Shared On-Demand Motorized Scooter Operator violating the provisions of this chapter. The impound shall be subject to an impound fee established by City Council resolution.
- b) The City Manager may promulgate regulations for the notification to the Operator and return of the devices to the Operator and as may otherwise be necessary to implement the purpose of this chapter.

10.05.040 – Violations.

A violation of this chapter is subject to the administrative penalty provisions of Chapter 1.02 of this Code. Where the violation is of a continuing nature, each day or portion thereof wherein the violation continues constitutes a separate and distinct violation.

SECTION 2. CEQA. This ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. Severability.

This ordinance is adopted under the authority of City Council of the City of Goleta and State law. If any section, subsection, clause or phrase is declared invalid or otherwise void by a court of competent jurisdiction, it shall not affect any remaining provision hereof. In this regard City Council finds and declares that it would have adopted this measure notwithstanding any partial invalidity hereof.

SECTION 4. Certification of City Clerk.

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION 5. Effective Date.

This ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the 4th day of December, 2018.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2018.

PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 18-__ was introduced on December 4, 2018 and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK