

## ORDINANCE NO. 1995

### AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM ON MOTORIZED SCOOTER AND BIKE SHARE PROGRAMS

#### BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

**WHEREAS**, pursuant to Article XI, Section 7 of the California Constitution, the City of Santa Clara ("City") may make and enforce all regulations and ordinances using its police powers;

**WHEREAS**, on December 12 and December 14, 2018, representatives from Bird Rides, Inc., contacted the City via email to inform the City that it intended to deploy a significant number of motorized scooters for rental within the City in the near future;

**WHEREAS**, cities around the state and country are currently experiencing the rapid introduction and implementation of shared motorized scooter programs and businesses ("scooter shares") as well as shared bicycles ("bike shares");

**WHEREAS**, the deployment of scooter shares and bike shares without regulation and oversight by local government presents a significant potential for safety hazards. Motorized scooters and shared bicycles that are carelessly discarded on City streets, sidewalks, or other public rights-of-way are a nuisance and can pose a threat to public safety and community. Motorized scooters and shared bicycles that are used on sidewalks can cause safety hazards because they can travel as fast as 15 miles per hour;

**WHEREAS**, as a result of these safety concerns, cities across the state and nation have found it necessary to pass emergency ordinances temporarily prohibiting such scooter shares and bike shares from operating within their jurisdiction;

**WHEREAS**, a properly implemented scooter or bike share program can contribute to a community both as a short-distance transportation device and as an activity that stimulates economic vitality. A pilot program is needed for permitting and regulating scooter and bike shares, to give the City the opportunity to study and implement necessary precautions to curtail potential hazards presented by the widespread introduction of motorized scooters and bike shares to the City; and,

**WHEREAS**, it is the intent of the Council to impose a temporary moratorium on any scooter shares and bike shares in the City until the City has an opportunity to create a regulatory framework and pilot program governing the operation of scooter shares and bike shares.

**NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:**

**SECTION 1:** Definitions. As used in this ordinance, the following definitions shall apply:

- A. “Bike share operator” shall mean an individual or a public, private, or non-profit entity that manages a bike share program.
- B. “Bike share program” shall mean a system of self-service shared bikes for hire in the City that offers to users a pool of at least ten (10) self-service shared bikes for use in the public right-of-way or on public property in the City.
- C. “Motorized scooter” shall mean any motorized wheeled device with handlebars and a floorboard that is designed to be stood upon when riding. The motor of the motorized scooter can have any type of power source. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride, and may also be designed to be motorized by human propulsion. Motorcycles, as defined in Vehicle Code Section 400, motor-driven cycles, as defined in Vehicle

Code Section 405, motorized bicycles and mopeds, as defined in Vehicle Code Section 406, and electric personal assistive mobility devices, as defined in Vehicle Code Section 313, are not motorized scooters.

- D. “Motorized scooter share operator” shall mean an individual or a public, private, or non-profit entity that manages a motorized scooter share program.
- E. “Motorized scooter share program” shall mean a system of self-service motorized scooters for hire in the City that offers to users a pool of at least ten (10) self-service motorized scooters for use in the public rights-of-way or on public property in the City.
- F. “Shared bike” shall mean a bicycle, tricycle, quadricycle or similar device with any number of wheels that is propelled by a motor with any type of power source and/or by humans, that is designed to be shared by unrelated members of the public and that can be locked or secured from unauthorized use without being locked or secured to a bicycle rack or other object.

**SECTION 2: Moratorium.** There shall be an interim moratorium on motorized scooter share programs and bike share programs in all zoning districts.

**SECTION 3: Removal and Impoundment.**

- A. During the moratorium, the City may remove and impound any motorized scooter or shared bike owned or controlled by a motorized scooter share operator and/or bike share operator, if the motorized scooter or shared bike is made available through a motorized scooter share program or bike share program and is left in a public right-of-way or on public property.

- B. The City department authorizing the impound of a motorized scooter or shared bike shall notify the City's Finance Department that such property has been impounded. Such notification must include the following information: the owner of the motorized scooter or shared bike, where the ownership is ascertainable; the date of impoundment; and the location of impoundment.
- C. Once a department notifies the Finance Department that a motorized scooter or shared bike has been impounded, the Finance Department will then issue a notice of impoundment to the device's owner. The notice shall include the date of the scooter / cycle's impoundment and location of its keeping, together with the information that before the owner or person in charge of the property shall be permitted to remove it from the custody of the impounding department, evidence of identity and ownership shall be required, together with fees necessary to cover the costs of removal and impoundment. Such charges and costs shall be set by the Finance Department annually.
- D. The City may dispose of an impounded motorized scooter or shared bike if unclaimed by the bike share operator or motorized scooter share operator following thirty (30) days from the impoundment date.

**SECTION 4: Savings clause.** The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

**SECTION 5:** This Ordinance shall not be codified in the Santa Clara City Code.

**SECTION 6: Expiration date.** This ordinance shall expire on December 19, 2019, and of that date shall be of no further force and effect.

**SECTION 7: Effective date.** This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

**PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA** this 20<sup>th</sup> day of DECEMBER, 2018, by the following vote:

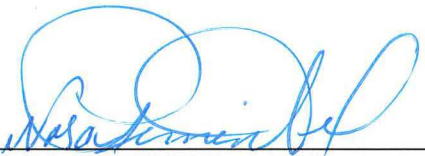
AYES: COUNCILORS: Chahal, Davis, Hardy, Mahan, O'Neill and Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:

  
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NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference: None