

ORDINANCE NO. _____

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

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

WHEREAS, on December 20, 2018, the City Council of the City of Santa Clara adopted Emergency Ordinance No. 1994, establishing a temporary moratorium on motorized scooter share programs and bike share programs in all zoning districts;

WHEREAS, in Emergency Ordinance No. 1994, the City Council declared its findings concerning the potential negative effects that unregulated scooter share and bike share programs could have on the City, and directed City staff to investigate creating a regulatory framework and/or a pilot program to govern the operation of scooter shares and bike shares;

WHEREAS, the City Council finds and determines that the initiation of scooter share and bike share programs in the City during the moratorium period, during which an amendment to the City Code is being studied, could conflict with the proposed amendment and could undermine the purpose of studying such an amendment, frustrating possible action by the City;

WHEREAS, the City Council has determined that an extension of the temporary moratorium on motorized scooter share programs and bike share programs will allow the City time to complete its review and consider revisions to its land use regulations;

WHEREAS, pursuant to Government Code Section 65858, Ordinance No. 1994 is in effect for a period of 45 days from its adoption, and will therefore expire on February 3, 2019 unless extended. Section 65858 authorizes this Council, following notice and public

hearing, to extend Ordinance No. 1994 for 10 months and 15 days. City staff has issued its report to the Council on the actions being taken to develop appropriate regulations of motorized scooter share programs and bike share programs, to address the conditions that led to the adoption of the moratorium ordinance. Staff has indicated that more time is needed in order to develop these regulations, follow required enactment procedures, and bring the regulations to the Council for consideration;

WHEREAS, on January 16, 2019, the City published notice of a public hearing to consider the proposed extension in the Santa Clara Weekly, a newspaper of general circulation;

WHEREAS, pursuant to Government Code Section 65858(d), the City prepared a report describing the measures taken to address the conditions that led to adoption of Emergency Ordinance No. 1994, and placed the Report on file with the City Clerk more than ten (10) days in advance of the public hearing, on January 18, 2019; and,

WHEREAS, on January 29, 2019, the City Council conducted a public hearing to consider the proposed extension to the temporary moratorium, at which time all interested persons were given an opportunity to provide testimony and present evidence, both in support of and in opposition to the proposed extension.

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

SECTION 1: Immediate threat to health, safety and welfare. The City Council reaffirms the findings made in Emergency Ordinance No. 1994 and determines that it is necessary to extend that Ordinance for 10 months and 15 days in order to enable the preparation and processing of appropriate regulations of motorized scooter share programs and bike share programs. Based on the findings set forth herein and the evidence in the Report to Council,

this ordinance is adopted pursuant to Government Code Section 65858 and City Charter Section 811 and is required to address a current and immediate threat to public health, safety, and welfare. The City Council has determined that allowing motorized scooter share programs and bike share programs to operate prior to the adoption of City regulations would result in a threat to public health, safety, and welfare.

SECTION 2: Moratorium Extension. The Moratorium established by Emergency Ordinance No. 1994, “An Emergency Ordinance of the City of Santa Clara, California, Establishing a Temporary Moratorium on Motorized Scooter and Bike Share Programs” is hereby extended in full force and effect for 10 months and 15 days from the previous expiration date of Ordinance No. 1994, and shall have a new expiration date of December 19, 2019.

SECTION 3: This Ordinance shall not be codified in the Santa Clara City Code.

SECTION 4: Effective date. This Ordinance shall take effect immediately upon adoption.

In accordance with Government Code section 65858, this Ordinance shall be in full force and effect for a period of ten (10) months and fifteen (15) days from the prior expiration date. This period may be extended by the City Council in accordance with the provisions of Government Code Section 65858.

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 29th day of JANUARY, 2019, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA