

ORDINANCE NO. 2010

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, EXTENDING FOR ONE YEAR THE TEMPORARY MORATORIUM ON MOTORIZED SCOOTER AND BIKE SHARE PROGRAMS

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

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 ordinances temporarily prohibiting such scooter shares and bike shares from operating within their jurisdiction;

WHEREAS, on December 20, 2018, the City Council of the City of Santa Clara adopted Ordinance No. 1994, establishing a temporary moratorium on motorized scooter share programs and bike share programs in all zoning districts. On January 29, 2019, the City Council adopted Ordinance No. 1997, extending the moratorium for another 10 months, 15 days, and the moratorium is now set to expire on December 19, 2019;

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WHEREAS, in 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, 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;

WHEREAS, on January 29, 2019, the City Council directed staff to return with a proposed permanent scooter and bicycle share program to allow the City to properly regulate these new mobility options;

WHEREAS, at this time, the City Council has determined that an extension of the temporary moratorium on motorized scooter share programs and bike share programs is necessary to allow the City sufficient time to evaluate additional considerations, including legal implications related to allowing motorized scooter share and bike share programs under the Americans with Disabilities Act, and evolving State Legislation regarding motorized scooter share and bike share programs;

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WHEREAS, California Government Code section 65858 permits the City to extend the current moratorium for one year while the Council studies the scooter and bike share operations prohibited by the moratorium. 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 analyze the legal implications of these regulations and proposed state legislation, to follow required enactment procedures, and to bring the regulations to the Council for consideration;

WHEREAS, on October 23, 2019, the City published notice of a public hearing to consider the proposed extension in the 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 October 25, 2019; and,

WHEREAS, on November 5, 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 Ordinance No. 1994 and Ordinance No. 1997 and determines that it is

necessary to extend the moratorium for 1 year 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 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 could conflict with the proposed regulations and could undermine the purpose of studying a regulatory process, frustrating possible action by the City.

SECTION 2: Moratorium Extension. The Moratorium established by Ordinance No. 1994, "An Emergency Ordinance of the City of Santa Clara, California, Establishing a Temporary Moratorium on Motorized Scooter and Bike Share Programs," and extended by Ordinance No. 1997, "An Emergency Ordinance of the City of Santa Clara, California, Extending a Temporary Moratorium on Motorized Scooter and Bike Share Programs" is hereby extended in full force and effect for 1 year from the previous expiration date of Ordinance No. 1997, and shall have a new expiration date of December 19, 2020.

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

SECTION 4: 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 this 5TH day of NOVEMBER, 2019, 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:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 19TH day of NOVEMBER, 2019, by the following vote:

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

NOES: COUNCILORS: None

ABSENT: COUNCILORS: Chahal

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None