

ORDINANCE NO. 7,508–N.S.

ADDING BERKELEY MUNICIPAL CODE CHAPTER 14.62 TO ESTABLISH NEW PILOT PARKING PERMITS AND FEES TO QUALIFIED ORGANIZATIONS OPERATING ONE-WAY CAR SHARE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 14.62 is added to read as follows:

**CHAPTER 14.62
CAR SHARING**

Sections:

- 14.62.010 Findings and purpose.**
- 14.62.020 Definitions.**
- 14.62.030 Term**
- 14.62.040 Permit parking exemption.**
- 14.62.050 Free-floating parking permit.**
- 14.62.060 Master residential parking permit.**
- 14.62.070 One-way car share parking zone.**
- 14.62.080 Modification after initial designation of parking zone.**
- 14.62.090 Issuance of parking permits.**
- 14.62.100 Parking permit fees.**
- 14.62.110 Suspension or revocation.**
- 14.62.120 Penalties, liability and enforcement.**
- 14.62.130 Administrative regulations.**

14.62.010 Findings and purpose.

The Council finds that the use of car sharing within Berkeley has numerous benefits, including improved mobility for residents, reduced personal vehicle ownership and vehicle miles traveled and overall reduction in greenhouse gas emissions. The purpose of this Chapter is to facilitate car sharing within Berkeley by establishing a program under which permitted one-way car share vehicles may park in metered and unmetered spaces in which parking is allowed for up to two hours or longer.

14.62.020 Definitions.

A. “Car sharing” means a membership-based service, available to all licensed drivers, who meet the car sharing organization’s eligibility requirements, which offers members access to a network of vehicles, 24 hours per day, 7 days a week, at self-service locations and allows members to reserve and use a one way car share vehicle without a separate written agreement, at rates that are proportional to usage.

B. “One-way car sharing” means a car sharing model that allows members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the qualified car share organization that operates that vehicle.

C. "Car share organization" means an entity that provides shared-use vehicles for its members at geographically distributed locations at hourly, daily and weekly rates (or fractions thereof) with insurance coverage provided by the car share organization. The Public Works Department will maintain the criteria necessary to become a qualified car share organization. The Public Works Department will compile a list of qualified car share organizations entitled to apply for one-way car share permits. The Public Works Director or his/her designee may make changes to these criteria at any time.

D. "One-way car share vehicle" means a vehicle (including, but not limited to, passenger cars, scooters and motorcycles) owned and operated by a qualified car share organization that is clearly and distinctly branded, is constantly tracked through Global Positioning System ("GPS"), and is technologically-enabled to allow members to pick up a car share vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the car share organization.

E. "Qualified car share organization" is a car share organization that has a fleet of at least twenty one-way car share vehicles for member use.

F. "Annual Bay Area master parking badge" is a sticker affixed to the rear bumper of each one-way car share vehicle on which to place applicable municipal parking permits.

G. "Free-floating parking permit" is a parking permit affixed to the annual Bay Area master parking badge that allows members of a qualified share organization to park at metered and unmetered spaces in which parking is allowed for up to two hours or longer, but not in residential parking permit areas.

H. "Master residential parking permit" is a parking permit affixed to the annual Bay Area master parking badge that allows members of a qualified share organization to park in any residential parking permit ("RPP") area with the same rights and restrictions as residential parking permit holders in those RPP areas.

I. "One-way car share parking zone" is the area agreed upon by the qualified car share organization permit holder and the Public Works Department, which bounds the geographic area where one-way car share members may legally park one-way car share vehicles within Berkeley.

14.62.030 Term

The pilot term length during which car share organizations may operate in Berkeley will be two-and-a-half-years. The pilot term shall begin September 30, 2016 and end June 30, 2019.

14.62.040 Permit parking exemption.

A. A one-way car share vehicle displaying a valid annual Bay Area master parking badge and a free-floating parking permit, parked at metered parking spaces in which parking is allowed for up to two hours or longer, that is located within the company's defined one-way car share parking zone, shall be exempt from the provisions stated in Chapter 14.52, which regulate the parking or standing of vehicles, which includes time

limits enforced at inoperable parking meters and pay-and-display stations except that it may not remain parked at the same location for more than 72 hours.

B. A one-way car share vehicle that displays a valid annual Bay Area master parking badge and a master residential preferred parking permit shall be permitted to stand or be parked in any of the residential permit parking areas established pursuant to Chapter 14.72 Preferential Parking Program with the same rights and restrictions as RPP holders.

14.62.050 Free-floating parking permit.

A. A free-floating parking permit entitles qualified car share organization members to park one-way car share vehicles in metered and unmetered spaces in which parking is allowed for up to two hours or longer, for up to 72 hours within the designated free-floating zone.

C. This Chapter shall not exempt a member of a car share organization or qualified car share organization from any other traffic controls and regulations.

14.62.060 Master residential parking permit

A. A master residential parking permit entitles qualified car share organization members to park one-way car share vehicles in a residential parking permit area as if the member had a residential parking permit for that zone as designated by chapter 14.72.050, even if the member is not a resident or employee within the that zone.

B The master residential parking permit does not guarantee or reserve a parking space for the member of the car share organization.

C. This Chapter shall not exempt a member of a car share organization or qualified car share organization from any other traffic controls and regulations.

14.62.070 One-way car share parking zone.

The one-way car share parking zone boundaries will be established by a qualified car share organization in consultation with the Public Works Department. Current and updated maps of one-way car share parking zones will be publicly available on the City of Berkeley's website. The GPS coordinates of one-way car share parking zones shall be programmed into the navigation equipment of those vehicles in order to alert members using those vehicles where parking is permitted. Qualified car share organizations shall notify their members of any modifications to the one-way car share parking zones applicable to their vehicles at least three days prior to such modification.

14.62.080 Modification after initial designation of one-way car share parking zone.

A qualified car share organization may request up to four modifications to the one-way car share parking boundary zone during the term of the parking permit. Application for such modifications shall be made to the Public Works Department.

14.62.090 Issuance of parking permits.

- A. Free-floating parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.
- B. Master residential parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.
- C. The Annual Bay Area parking master parking badge shall be designed to state the license number of the one-way car share vehicle upon which the badge is affixed.
- D. The Public Works Department shall issue the permits with a maximum term of one year. Permits can be granted quarterly each year through the end of the City's fiscal year.
- E. A car share organization can apply for up to 700 parking permits to be used on car share vehicles. The Public Works Department will review the quantity of parking permits requested by the car share organization to balance the parking needs of the car share organization with the on-street parking needs of private residents and employees at the end of the two-and-a-half-year pilot.
- F. Any free-floating and master residential preferred parking permits which are renewed shall be subject to the same conditions applicable to the permits when originally issued. The Public Works Department may attach additional conditions to a renewed permit.
- G. The Public Works Department shall issue rules and regulations consistent with this Chapter governing issuance and display of proof that a one-way car share vehicle is owned by a qualified car share organization with a valid free-floating and/or master residential preferred parking permit.

14.62.100 Parking permit fees.

- A. Fees for master residential parking permits and free-floating parking permits, and for the implementation and administration of this Chapter may be adopted by resolution of the City Council.

14.62.110 Suspension or revocation.

- A. The City may suspend or revoke the status of any qualified car share organization for any violation of the provisions of this Chapter or regulations promulgated to implement this Chapter. During the time that the permit is suspended or revoked, it shall be unlawful for the car share organization to exercise any of the rights granted under this Chapter.
- B. The permit holder shall be entitled to appeal the City's decision to suspend or revoke its permit by filing a written notice of appeal with the City Manager within ten days from the date the notice of suspension or revocation is mailed.
 - 1. The appeal shall clearly and concisely set forth the grounds upon which it is based.

2. If the permit holder files a timely request for appeal, a hearing shall be held before the City Manager or his or her designee. The decision of the City Manager or his or her designee shall be final.

C. Pending the appeal hearing it shall be unlawful for the permit holder to exercise its rights under this Chapter.

14.62.120 Penalties, liability and enforcement.

A. Every person who violates any provision of this chapter may be subject to administrative citations pursuant to Chapter 1.28.

B. Each violation of this chapter and each day of violation of this chapter shall be considered a separate and distinct violation thereof and the imposition of a penalty shall be as set forth in subsection A of this section for each and every separate violation and each and every day of violation.

Section 2. Posting. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on September 27, 2016, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Arreguin, Capitelli, Droste, Maio, Wengraf, Worthington and Bates.

Noes: None.

Absent: Anderson and Moore.

