

ORDINANCE NUMBER 2570 (CCS)
(City Council Series)

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING ARTICLES I AND III OF THE SANTA MONICA MUNICIPAL CODE, SETTING FORTH REGULATIONS FOR SHARED MOBILITY SYSTEMS AND DEVICES

WHEREAS, the City consists of just over eight square miles of land, which is home to 90,000 residents, the job site of 300,000 workers, and a destination for as many as 500,000 visitors on weekends and holidays; and

WHEREAS, the City's public rights-of-way are designed to accommodate a multimodal transportation system and are heavily utilized by residents, workers and visitors; and

WHEREAS, in recent months, in part due to rapid technological advancements, the City's public rights-of-way have been flooded with new, unpermitted commercial Shared Mobility Systems and Devices; and

WHEREAS, the rapid proliferation of such systems and devices creates serious safety hazards for pedestrians, bicyclists and drivers; and

WHEREAS, the proliferation of such systems and devices impedes pedestrian circulation and paths of travel, and creates hazards in the public rights-of-way for persons with disabilities and others, especially when left unattended; and

WHEREAS, such devices block paths of travel, sidewalks, driveways and parkways; and

WHEREAS, such devices create safety hazards especially for persons with disabilities attempting to navigate past all such hazards; and

WHEREAS, even in the past few months, such devices have been involved in a number of traffic accidents, some of which resulted in serious injuries; and

WHEREAS, without immediate regulatory action to curb such hazards, accidents will likely continue, which could result in serious bodily injury or death; and

WHEREAS, effective enforcement of local laws is vital to effectuating the City's commitment to protecting its residents', businesses' and visitors' health, safety, welfare, and quality of life; and

WHEREAS, while existing local law authorizes the City to seek civil penalties for violations of local laws in administrative proceedings, it is important to authorize the same in judicial proceedings; and

WEHEREAS, the lack of such a direct judicial civil penalty remedy unduly hampers the City's ability to garner prompt compliance with local laws; and

WHEREAS, it is necessary to take emergency action to adopt interim regulations and enhanced enforcement tools in order to preserve the public peace, health and safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1.14.030 of the City of Santa Monica Municipal Code is hereby added to read as follows:

1.14.030 Administrative Instructions.

The City Manager, or designee, may promulgate Administrative Regulations to implement the Administrative Hearing procedures set forth in this Code. Such Regulations may set forth instructions relating to topics such as, conflicts of interest, disqualification, and Hearing Officer selection.

SECTION 2. Chapter 3.21 of the City of Santa Monica Municipal Code is hereby added to read as follows:

Chapter 3.21 Shared Mobility Systems and Devices

3.21.010 Purpose

The City has a compelling interest in protecting the public health and safety and in ensuring safe pedestrian, bicycle and vehicle traffic through management, maintenance and operation of the public rights-of-way. Proliferation of commercial Shared Mobility Systems and Devices creates serious safety hazards for pedestrians, bicyclists and drivers. Proliferation of such Systems and Devices further impedes pedestrian circulation and paths of travel, and creates hazards in the public rights-of-way for persons with disabilities and others, especially when left unattended. This Chapter sets forth regulations of Shared Mobility Systems and Devices in order to protect public health and safety.

3.21.015 Exemptions

This Chapter shall not apply to:

(a) systems, bicycles and devices authorized by the City Bike Share System pursuant to Chapter 3.20 of this Code;

(b) any system of bicycles, bicycle racks and kiosks operated by the Los Angeles County Metropolitan Transportation Authority; and

(c) any Car Share Vehicle as defined by Chapter 3.06 of this Code; and

(d) any person vending entirely from a vehicle authorized by a valid City vending permit, as recognized by Section 6.36.090 of this Code.

3.21.020 Definitions

For purposes of this Chapter, the following words shall have the following meanings:

(a) "Abandon" means leaving any item unattended for any length of time.

(b) "Shared Mobility System" means any system, marking, installation, structure or information system facilitating the display or placement for rent of Shared Mobility Devices in any Public Area or Public Right-of-Way.

(c) "Shared Mobility Device" means any device displayed or placed for rent in any Public Area or Public Right-of-Way, in, upon or by which any person or property is or may be propelled, moved or drawn upon any Public Right-of-Way, including but not limited to vehicles, scooters, bicycles, Segways, skateboards, rollerblades, unicycles, and rickshaws.

(d) "Public Right-of-Way" means any area dedicated for public use as a public street, pedestrian way or other thoroughfare, including but not limited to a street, sidewalk, parkway, alley, public transportation path or easement.

(e) "Public Area" mean any outdoor area owned or operated by the City of Santa Monica.

3.21.030 Vending

Placement, operation or maintenance of any Shared Mobility System or Device in any Public Area or Public Right-of-Way shall constitute vending, as set forth in Chapter 6.36 of this Code.

3.21.040 Prohibited Activities.

(a) Unless otherwise authorized by the City, no person shall:

(1) Display, offer or make-available for rent any Shared Mobility Device within the City;

(2) Install, place, maintain, operate, or facilitate the installation, placement, maintenance or operation of a Shared Mobility System within the City.

(b) Except as otherwise authorized by the City, any Shared Mobility Device that poses an immediate hazard, obstructs access to any Public Area or Public Right-of-way, or leaves less than four feet of unobstructed access on any Public sidewalk shall constitute an immediate public safety hazard and shall be subject to immediate impoundment by the City.

(1) The City Council may adopt impound fees by Resolution, which shall reflect the City's enforcement, investigation, storage and impound costs.

(2) No person shall retrieve any impounded Shared Mobility Device except upon demonstrating proper proof of ownership of the Device and payment of applicable impound fees.

3.21.100 Sunset

Unless otherwise extended, this Chapter shall sunset and be of no force and effect after January 1, 2019.

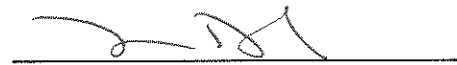
SECTION 3. The City Council finds, based on the findings above and the reasons set forth in the Staff Report accompanying this Ordinance, that it is necessary to adopt this Ordinance as an emergency measure to preserve the public peace, health and safety.

SECTION 4. Any provision of the City of Santa Monica Municipal Code or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause this Ordinance, or a summary thereof to be published once in the official newspaper within 15 days. This Ordinance shall be immediately effective upon adoption.

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Lane Dilg", is written over a horizontal line.

LANE DILG
City Attorney

Approved and adopted this 6th day of March, 2018.



Ted Winterer, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)


I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2570 (CCS) had its introduction and adoption at the Santa Monica City Council meeting held on March 6, 2018, by the following vote:

AYES: Councilmembers McKeown, Himmelrich, O'Day, Vazquez,
Mayor Pro Tem Davis, Mayor Winterer

NOES: None

ABSENT: O'Connor

ATTEST:



Denise Anderson-Warren, City Clerk

5/1/18

Date

A summary of Ordinance No. 2570 (CCS) was duly published pursuant to California Government Code Section 40806.