

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLE 9 AND TITLE 13 OF THE RIVERSIDE MUNICIPAL CODE TO ADOPT RULES AND REGULATIONS REGARDING SHARED MOBILITY DEVICE USE AND OPERATORS WITHIN THE CITY OF RIVERSIDE

WHEREAS, in response to the recent proliferation of shared mobility devices throughout the State and within the City of Riverside ("City") operating in the public right-of-way, the City Council approved Interim Operating Agreements to temporarily regulate the operations of shared mobility device businesses within the City; and

WHEREAS, since the launch of the shared mobility devices, the City has received multiple complaints regarding the operation of the shared mobility devices, including devices left on sidewalks or in a public right-of-way so as to impede pedestrian traffic; and

WHEREAS, the City Council finds that there is a need to provide for additional rules and regulations of the shared mobility devices through a permit pilot program to take the place of the Interim Operating Agreements; and

WHEREAS, rules and regulations are needed to promote safety in the public right-of-way, prevent shared mobility devices from becoming a public nuisance, prevent obstructions from accumulating in the public right-of-way, and to ensure pedestrian movement and accessibility is safeguarded on the sidewalks and other public rights-of-way; and

WHEREAS, in developing the pilot program, City staff consulted the National Association of City Transportation Officials ("NACTO") 2018 Guidelines for the Regulation and Management of Shared Active Transportation and other shared mobility device programs throughout the State; and

WHEREAS, City staff additionally consulted with various City departments and community stakeholders in the development of the pilot program; and

WHEREAS, by implementing the pilot program, the City intends to study the data collected during the pilot program to ensure safe and equitable access, maintenance and operations, and to fine tune the management of shared mobility device operations to ensure compliance with local and state laws and to prevent the accumulation of devices on sidewalks or other public rights-of-way.

The City Council of the City of Riverside does ordain as follows:

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Section 1: Section 9.04.290 of the Riverside Municipal Code is amended as follows: "9.04.290 - Bicycles, skateboards, etc.

- A. It is unlawful for any person to ride upon any bicycle, scooter, roller skate or skates, skateboard or other similar contrivance upon any sidewalk <u>or public area</u> within any business district within the City, or upon the Main Street Mall bordered by Sixth Street on the north and Tenth Street on the south, except as otherwise provided in this Code.
- B. It is unlawful for any person to ride upon any bicycle, scooter, roller skate or skates, skateboard or other similar contrivance upon any private sidewalk, private parking lot or private parking facility within any business district within the City without the direct or implied consent of the owner or person in lawful possession thereof if there is displayed in plain view on the property a sign prohibiting such riding and referring to this Code section."

<u>Section 2</u>: Chapter 13.22 is hereby added to the Riverside Municipal Code as follows:

"13.22 SHARED MOBILITY DEVICE PILOT PROGRAM

13.22.010 Purpose and Findings.

Consistent with the City's goals of enhancing mobility and access, easing traffic congestion, and promoting sustainability, this Chapter creates a pilot program to facilitate the use of shared mobility devices while ensuring the protection of public health and safety, including the safety of the public traveling by foot, bicycle, or vehicle on public sidewalks, streets, and other public rights-of-way. The City Council hereby finds that the following regulations are necessary to promote safety in the public right-of-way, prevent shared mobility devices from becoming a public nuisance, prevent obstructions from accumulating in the public right-of-way, and to ensure pedestrian movement and accessibility is safe-guarded on the sidewalks and other public rights-of-way.

13.22.020 Definitions

- A. "Abandon" shall mean leaving an item unattended for any length of time.
- B. "Director" shall mean the Director of Public Works or designee.

1	constitute a violation of this Code and shall subject the violator to the penalties set forth in this
2	Chapter.
3	13.22.030 Shared Mobility Device Parking
4	Shared Mobility Devices shall be parked, staged, or abandoned in accordance with the
5	following:
6	A. Devices shall be upright on hard surfaces in the Furniture Zone of the sidewalk.
7	beside a bicycle rack or in another area specifically designated for bicycle parking;
8	B. Devices shall not be parked, staged, or abandoned in such a manner as to block
9	or obstruct the Pedestrian Zone of a sidewalk, ADA access, any fire hydrant, call box, or other
10	emergency facility, bus bench, or utility pole or box;
11	C. Devices shall not be parked, staged, or abandoned in such a manner as to impeded
12	or interfere with the reasonable use of any commercial window display or access to or from any
13	building;
14	D. Devices shall not be parked, staged, or abandoned in such a manner as to impeded
15	or interfere with the reasonable use of any bicycle rack or news rack;
16	E. Devices shall not be parked, staged, or abandoned in on-street parking spaces
17	except, when it is parked, staged, or abandoned in a marked parking space specifically
18	designated for Shared Mobility Devices or in marked parking spaces designated for
19	motorcycles;
20	F. Except as provided above, Devices shall not be parked, staged, or abandoned on
21	streets without sidewalks;
22	G. Devices shall not be parked, staged, or abandoned in the Furniture Zone directly
23	adjacent to or within the following areas, such that access is impeded:
24	i. Loading zones;
25	ii. Disabled parking zones;
26	iii. Street furniture that requires pedestrian access, including but not limited
27	to, benches, parking pay stations, and pedestrian push buttons;
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of-Way designated as pedestrian only space for a special event, such as the Festival of Lights.

1	B. Nothing in this Chapter, authorizes the use or abandonment of Shared Mobility
2	Devices on private property within the jurisdictional boundaries of the City, without the express
3	permission of the private property owner.
4	13.22.050 Permit Required
5	Notwithstanding any other provision of this Code, no person may:
6	A. Display, offer or make available for rent or use any Shared Mobility Device within
7	the City, unless the person has first obtained a valid Shared Mobility Operator Permit and a
8	business license issued in accordance with Chapter 5.04 of this Code;
9	B. Abandon a Shared Mobility Device not authorized by this Chapter in the Public
10	Right-of-Way or a Public Area in such a way that the Device is available for rent or use.
11	13.22.051 Maximum Number of Shared Mobility Operator Permits and Devices
12	<u>Permitted</u>
13	A. The Director is hereby authorized to award a maximum of four (4) Shared
14	Mobility Operator Permits in accordance with the provisions of this Chapter. If a permit is
15	revoked or surrendered, the Director may award an additional permit, so long as the total
16	number of issued permits does not exceed four (4) permits at any one time.
17	B. The Director may establish the number of Shared Mobility Devices authorized
18	under each Shared Mobility Operator Permit. No more than once every thirty days, the Director
19	may adjust the maximum number of devices authorized by each Shared Mobility Operator
20	Permit. The Director shall take into consideration market needs, the number of devices deployed
21	in the City, device utilization, and any other criteria set forth in Administrative Policies and
22	Procedures. The Director shall provide written notice of any changes in the maximum number
23	of devices to the Operator. The Director's determinations under this Section shall constitute the
24	final decision of the City and are not subject to further administrative review. No person shall
25	fail to comply with the Director's established device limitation.

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Requirements

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13.22.055 Shared Mobility Operator Permit Application Procedure, Fees, and

the plan for balancing Shared Mobility Devices for Citywide coverage, the plan for the active

location and correction of improperly parked, staged, abandoned, or tipped over Shared
Mobility Devices within all areas of the City, including any subcontractors that may assist the
applicant, the plan for Shared Mobility Device maintenance, levels of staff for operations and
administration, and the plan for customer service;
3. The applicant's regulatory compliance program;
4. The applicant's history of, intent to and ability to comply with state
and local law;
5. The applicant's plans to educate, monitor, and take corrective
action with users of Shared Mobility Devices about applicable California Vehicle Code
provisions and other applicable laws, regulations, and guidelines, including the provisions of this
Chapter;
6. The applicant's plans to comply with applicable federal, state, and
local data privacy laws and otherwise to protect the privacy of personal information provided
by users; and
7. Any other information required by the Director.
13.22.056 Shared Mobility Operator Selection
A. The Director shall determine a reasonable period of time for interested persons to
submit applications for a Shared Mobility Operator Permit. The Director shall review the
qualifications and proposal of each applicant and either grant or deny the permit within 90 days
after the submission of the completed application; however, if good cause exists, the Director
may extend the period of review for an additional 30 days, provided the applicant is mailed
notification or verbally notified that the review has not been completed.
B. Each qualified applicant shall be evaluated based upon objective criteria
including: experience; proposed operations plan; the impact of the proposed operations plan on
total operations of Shared Mobility Device Operators within the City; financial wherewithal and
stability; adequacy of insurance; ability to begin operations in a timely manner; public education

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strategies; relevant record of the applicant's or officers', owners' or principals' violations of

Mobility Device business;

1	ii. Failing to provide information requested or required by the City;
2	iii. Operating or proposing to operate in a manner that endangers public
3	health or safety;
4	iv. Operating or proposing to operate in a manner that creates a public
5	nuisance; or
6	v. Failing to comply with any requirement imposed by the provisions of this
7	Code (or successor provision or provisions) including any rule, regulation, condition or standard
8	adopted pursuant to this Chapter, or any term or condition imposed on the Shared Mobility
9	Operator Permit, or any provision of state law.
10	B. Conviction of the Operator, to include any of its officers, owners, or principals, of
11	a criminal offense that is substantially related to the qualifications, functions or duties of the
12	shared mobility business or profession, including but not limited to any criminal conviction
13	involving a violent or serious felony, fraud, deceit, or embezzlement.
14	C. Suspension or cessation of Shared Mobility Operations within the City for a
15	period of thirty (30) or more consecutive days.
16	13.22.070 Appeal Procedures
17	A. Upon personal service or mailing of notice of revocation, suspension, or denial of
18	a Shared Mobility Operator Permit, the permit holder or proposed permit holder shall have ten
19	(10) calendar days to file a written appeal to the City Clerk of the intent to contest the proposed
20	permit revocation, suspension, or denial. If the tenth (10) day is a weekend or Holiday, the
21	following weekday will be the tenth (10) day. The written appeal shall clearly state the basis for
22	the appeal.
23	B. The scope of the appeal hearing pursuant to this section shall be limited to those
24	issues raised by appellant in the written appeal.
25	C. Upon the filing of the appeal, the City Clerk shall set the matter for hearing before
26	the City Council, which hearing will be set for a regular meeting not less than thirty (30) days
27	but no more than sixty (60) days thereafter. The City Council may uphold, reverse or modify

the decision of the Director.

hereinafter stated.

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and equipment entering the mall where such entry is reasonably necessary for the purpose of making

deliveries of mail, merchandise, goods or equipment to business establishments occupying property

1	abutting on the mall and where such deliveries cannot be made to said business establishments through
2	entrances other than those on the mall and where the owner or operator of any such vehicle or
3	equipment holds a permit issued by or at the direction of the Public Works Director, or designee."
4	Section 5: The City Council has reviewed the matter and, based upon the facts and
5	information contained in the staff reports, administrative record, and written and oral testimony,
6	hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3)
7	and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter
8	3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the
9	environment nor have a significant impact on the environment.
10	Section 6: The City Clerk shall certify to the adoption of this ordinance and cause
11	publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
12	of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
13	adoption.
14	ADOPTED by the City Council this day of, 2019.
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16	WILLIAM R. BAILEY, III
17	Mayor of the City of Riverside
18	Attest:
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20	COLLEEN J. NICOL City Clerk of the City of Riverside
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24	I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
25	foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
26	day of, 2019, and that thereafter the said ordinance was duly and regularly
27 28	adopted at a meeting of the City Council on theday of, 2019, by the
۷۵	following vote, to wit:

1	Ayes:			
2	Noes:			
3	Absent:			
4	Abstain:			
5	IN WITNESS WHEREOF, I have	hereunto set my h	and and affixed the official seal of t	he
6	City of Riverside, California, this			
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9		COLLEEN J. N. City Clerk of the	ICOL e City of Riverside	
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