## 

#### 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:

11

15 16 17

18

19 20

21 22

23

24

25 26

27 28

Section 9.04.290 of the Riverside Municipal Code is amended as follows: Section 1:

#### "9.04.290 - Bicycles, skateboards, etc.

- It is unlawful for any person to ride upon any bicycle, scooter, roller skate or skates, skateboard or other similar contrivance upon any sidewalk or public area 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.
- В. 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."

Chapter 13.22 is hereby added to the Riverside Municipal Code as follows: Section 2:

#### "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-ofway. 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.
- В. "Director" shall mean the Director of Public Works or designee.
- C. "Furniture Zone" shall mean the section of the sidewalk adjacent to the curb and not within the Pedestrian Zone in which street furniture and amenities, such as lighting, benches, newspaper kiosks, utility poles, tree pits, and bicycle parking are provided.

D. "Operator" shall mean any person, nonprofit, or business entity that offers Shared Mobility Devices for rent or use in a Public Area or the Public-Right-of-Way.

E. "Pedestrian Zone" shall mean the section of the sidewalk a minimum of four feet wide which is primarily intended for use by pedestrians and does not contain objects designated for use in the Furniture Zone.

F. "Public Area" shall mean any outdoor area that is open to the public for public use, whether owned or operated by the City or a private party.

G. "Public Right-of-Way" shall mean any public alley, parkway, public transportation path, roadway, sidewalk, curb ramp, crosswalk, or street that is owned, granted by easement, operated, or controlled by the City.

H. "Shared Mobility Device" shall mean an electrically motorized board as defined in Section 313.5 of the California Vehicle Code, motorized scooter as defined in Section 407.5 of the California Vehicle Code, electric bicycle as defined in Section 312.5 of the California Vehicle Code, bicycle as defined in Section 231 of the California Vehicle Code, or any other similar personal transportation device by which a person can be propelled, moved or drawn, that is displayed, offered or placed for rent or use by the public in any Public Area or Public Right-of-Way, except that a "Shared Mobility Device" does not include a car share vehicle, taxicab, or the City-owned bike share bicycles.

#### 13.22.025 Administrative Policies and Procedures

A. The Director may adopt Administrative Policies and Procedures to implement the provisions of this Chapter, including, but not limited to, permit application procedures and permit standards, which may include regulations relating to lawful conduct, public safety, data sharing, data privacy, and/or the timely removal of hazards.

B. No person shall fail to comply with the City's Administrative Policies and Procedures. Any violation of any administrative regulation issued pursuant to this Section shall constitute a violation of this Code and shall subject the violator to the penalties set forth in this Chapter.

#### 13.22.030 Shared Mobility Device Parking

Shared Mobility Devices shall be parked, staged, or abandoned in accordance with the following:

- A. Devices shall be upright on hard surfaces in the Furniture Zone of the sidewalk, beside a bicycle rack or in another area specifically designated for bicycle parking;
- B. Devices shall not be parked, staged, or abandoned in such a manner as to block or obstruct the Pedestrian Zone of a sidewalk, ADA access, any fire hydrant, call box, or other emergency facility, bus bench, or utility pole or box;
- C. Devices shall not be parked, staged, or abandoned in such a manner as to impeded or interfere with the reasonable use of any commercial window display or access to or from any building;
- D. Devices shall not be parked, staged, or abandoned in such a manner as to impeded or interfere with the reasonable use of any bicycle rack or news rack;
- E. Devices shall not be parked, staged, or abandoned in on-street parking spaces except, when it is parked, staged, or abandoned in a marked parking space specifically designated for Shared Mobility Devices or in marked parking spaces designated for motorcycles;
- F. Except as provided above, Devices shall not be parked, staged, or abandoned on streets without sidewalks;
- G. Devices shall not be parked, staged, or abandoned in the Furniture Zone directly adjacent to or within the following areas, such that access is impeded:
  - i. Loading zones;
  - ii. Disabled parking zones;
- iii. Street furniture that requires pedestrian access, including but not limited to, benches, parking pay stations, and pedestrian push buttons;
- H. Devices shall not be parked, staged, or abandoned directly adjacent to or within transit zones, including bus stops, shelters, transit information signs, passenger waiting areas and bus layover areas, and staging zones, except at existing bicycle racks;
- I. Devices shall not be parked, staged, or abandoned on private property without the permission of the property owner;
- J. Devices shall not be parked, staged, or abandoned on plazas, courtyards, parks, trails, or other City-owned property which is not a Public Right-of-Way, except as provided in this Code or as provided in a written agreement between the City and the Operator.

## 

## 

#### 13.22.035 Parking Responsibility

- A. Operators shall be responsible for educating and monitoring users to ensure Shared Mobility Devices are parked, staged, or abandoned in accordance with the provisions of this Chapter.
- B. Operator shall respond to reports of improperly parked, staged, abandoned, or tipped over Shared Mobility Devices or requests to relocate a Shared Mobility Device within two (2) hours of receipt of notice from the City or other third party, or within 2 hours of Operator's discovery, whether that discovery is through electronic means or physical observation.
- C. The failure to relocate an improperly parked, staged, abandoned, or tipped over Shared Mobility Device or to remove a Shared Mobility Device that has otherwise become a nuisance shall subject the Shared Mobility Device to impoundment by the City in accordance with this Chapter, as well as the administrative remedies provided in Chapter 1.17 of this Code.
- D. As the owner of the Shared Mobility Device, the Operator shall be jointly liable with the user for any enforcement measures taken by the City for improperly parked, staged, abandoned, or tipped over Shared Mobility Devices.

#### 13.22.040 Shared Mobility Device Use

- A. Shared Mobility Devices shall not be driven into a Public Area or Public Right-of-Way designated as pedestrian only space for a special event, such as the Festival of Lights.
- B. Nothing in this Chapter, authorizes the use or abandonment of Shared Mobility Devices on private property within the jurisdictional boundaries of the City, without the express permission of the private property owner.

#### 13.22.050 Permit Required

Notwithstanding any other provision of this Code, no person may:

- A. Display, offer or make available for rent or use any Shared Mobility Device within the City, unless the person has first obtained a valid Shared Mobility Operator Permit and a business license issued in accordance with Chapter 5.04 of this Code;
- B. Abandon a Shared Mobility Device not authorized by this Chapter in the Public Right-of-Way or a Public Area in such a way that the Device is available for rent or use.

8

6

14 15

16 17

18

19 20

21 22

23 24

25

26 27

28

## 13.22.051 Maximum Number of Shared Mobility Operator Permits and Devices Permitted

- Α. The Director is hereby authorized to award a maximum of four (4) Shared Mobility Operator Permits in accordance with the provisions of this Chapter. If a permit is revoked or surrendered, the Director may award an additional permit, so long as the total number of issued permits does not exceed four (4) permits at any one time.
- В. The Director may establish the number of Shared Mobility Devices authorized under each Shared Mobility Operator Permit. No more than once every thirty days, the Director may adjust the maximum number of devices authorized by each Shared Mobility Operator Permit. The Director shall take into consideration market needs, the number of devices deployed in the City, device utilization, and any other criteria set forth in Administrative Policies and Procedures. The Director shall provide written notice of any changes in the maximum number of devices to the Operator. The Director's determinations under this Section shall constitute the final decision of the City and are not subject to further administrative review. No person shall fail to comply with the Director's established device limitation.

## 13.22.055 Shared Mobility Operator Permit Application Procedure, Fees, and Requirements

- A. Any person seeking to obtain a Shared Mobility Operator Permit shall submit a written application, signed under penalty of perjury, using the form designated by the Director for that purpose.
- B. The City Council may establish permit fees and charges by resolution, which shall defray the City's costs in administering and enforcing the provisions of this Chapter and reflect charges associated with use of public property pursuant to this Chapter.
- C. The Director may specify the information that must be provided in connection with an application and the form in which the information is to be provided. The application shall contain, at a minimum, the following information:
- i. The name and business address of each person or entity that (a) has more than a ten percent equity, participation, or revenue interest in the applicant or (b) is a trustee, director,

partner, or officer of that entity or of another entity that owns or controls the applicant, excepting persons serving in those capacities as volunteers, without compensation, for organizations exempt from income taxes under Section 501(c) (3), (4), or (6) of the Internal Revenue Code;

- ii. The name and business address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling the applicant in whole or in part, or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity;
- iii. Information sufficient to show that the applicant is financially, technically, and legally qualified to operate and maintain a Shared Mobility Device system;
- iv. A description of the proposed plan of operation, including, at a minimum, a detailed description of:
- 1. The applicant's current operations in the City and other jurisdictions, including copies of the applicant's operating permits for all such jurisdictions;
- 2. The applicant's proposed operations in the City including the maximum number of Shared Mobility Devices anticipated during effective period of the permit, 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 strategies; relevant record of the applicant's or officers', owners' or principals' violations of Federal, State or local law, or rules and regulations; and any other objective criteria established by the Director.
- C. The Director shall set forth, in writing, the reasons supporting his or her final determinations. The Director may request additional information from City Staff, any applicant, or any other source that would assist in determining the final qualifications of any applicant.
- D. The Director shall grant a Shared Mobility Operator Permit to the highest four (4) ranked applicants that have submitted completed applications. Should two or more applicants receive the same score, a lottery shall be used to establish the final rankings for any applicants that received the same score. Other qualified applicants may be placed on a waitlist in the event permits become available.
- E. The Director may impose, as part of any Shared Mobility Operator Permit issued, any and all conditions that are necessary to effectuate the purposes of this Chapter, mitigate traffic impacts, ensure accessibility of the Public Right-of-Way and availability of public space for shared use by all, or protect the health, welfare, and safety of the public. No person shall fail to comply with such permit conditions.

F. A permit issued by the Director in accordance with this Chapter shall be valid until the expiration of the pilot program as listed herein, unless the permit is suspended or revoked. In the event this Chapter is subsequently repealed, all issued permits will expire upon the effective date of the repeal.

#### 13.22.060 Grounds for revocation, suspension or denial.

A Shared Mobility Operator Permit may be revoked, suspended, or denied by the Director based upon any of the following grounds:

- A. An applicant or Operator, including its employees, managers, officers, principals, directors, owners, contractors, representatives, or agents:
- i. Making one or more false or misleading statements, or material omissions on the permit application, during the application process, or during the operation of its Shared Mobility Device business:
  - ii. Failing to provide information requested or required by the City;
- iii. Operating or proposing to operate in a manner that endangers public health or safety;
  - iv. Operating or proposing to operate in a manner that creates a public nuisance; or
- v. Failing to comply with any requirement imposed by the provisions of this Code (or successor provision or provisions) including any rule, regulation, condition or standard adopted pursuant to this Chapter, or any term or condition imposed on the Shared Mobility Operator Permit, or any provision of state law.
- B. Conviction of the Operator, to include any of its officers, owners, or principals, of a criminal offense that is substantially related to the qualifications, functions or duties of the shared mobility business or profession, including but not limited to any criminal conviction involving a violent or serious felony, fraud, deceit, or embezzlement.
- C. Suspension or cessation of Shared Mobility Operations within the City for a period of thirty (30) or more consecutive days.

# 

#### 

#### 13.22.070 Appeal Procedures

- A. Upon personal service or mailing of notice of revocation, suspension, or denial of a Shared Mobility Operator Permit, the permit holder or proposed permit holder shall have ten (10) calendar days to file a written appeal to the City Clerk of the intent to contest the proposed permit revocation, suspension, or denial. If the tenth (10) day is a weekend or Holiday, the following weekday will be the tenth (10) day. The written appeal shall clearly state the basis for the appeal.
- B. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by appellant in the written appeal.
- C. Upon the filing of the appeal, the City Clerk shall set the matter for hearing before the City Council, which hearing will be set for a regular meeting not less than thirty (30) days but no more than sixty (60) days thereafter. The City Council may uphold, reverse or modify the decision of the Director.
- D. Should an appeal of a revocation or suspension of a Shared Mobility Operator Permit be filed, the revocation or suspension decision will remain in effect and no Shared Mobility Device operations shall take place until such time as a final decision has been issued for the appeal.

#### 13.22.080 Limitations on City Liability

- A. To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to having issued a Shared Mobility Operator Permit or otherwise approving the operation of any Shared Mobility Device. As a condition to the issuance of any Shared Mobility Operator Permit, the applicant shall be required to meet all of the following conditions:
- i. The applicant must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold harmless the City, and its officers, officials, employees, representatives, and agents from any and all claims, losses. damages. injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of or decision to approve a Shared Mobility Operator Permit, the process used by the City in making its decision, or the alleged violation of any federal, state, or local laws by the applicant or any of its officers, managers, employees or agents.

ii. Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time, as determined by the Risk Manager and name the City of Riverside as additional insured. The applicant's insurance policy shall be endorsed to state that coverage shall not be cancelled except after thirty days prior written notice by certified mail has been given to the City. If any insurance policy issued to a permittee is cancelled for any reason, the permit issued under this Ordinance is automatically suspended. In order to reinstate the permit, the permittee shall provide a new certificate and policy of insurance to the City.

#### 13.22.090 Pilot Program Term

This Chapter shall remain in effect until March 31, 2021, unless extended or terminated.

#### 13.22.100 Impoundment of Devices

- A Shared Mobility Device that is displayed, offered, or made available for rent, or A. abandoned, in the Public Right-of-Way or a Public Area in violation of Section 13.22.050 shall be subject to immediate relocation or impoundment by the City.
- В. A Shared Mobility Device that is not relocated, re-parked, or removed within the timeframe specified in Chapter, or any Shared Mobility Device which is parked in the same location for more than 72 hours without moving, shall be subject to relocation or impoundment by the City.
- C. The City Council may adopt relocation and impound fees by Resolution, which shall reflect the City's enforcement, investigation, storage and impound costs.
- D. Upon impoundment of a Shared Mobility Device, the City shall notify the Operator of the impoundment. The Operator shall retrieve the impounded Shared Mobility Device within fifteen (15) days of receiving notice from the City. 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.
- E. Any impounded Shared Mobility Device not retrieved within 15 days after notification to the Operator may be sold or otherwise disposed of by the City without further notice to the Operator.

26

27

В.

Public utility vehicles and equipment;

10

13 14

15 16

17

18

19 20

22 23

21

24 25

26

27

28

C. Sweepers, trucks or other vehicles or equipment operated by or at the direction of the Public Works Director, or designee for the purpose of performing City services on the pedestrian mall;

D. Public trams or similar public vehicles operated by the City, or by an operator holding a franchise, license, contract or permit from the City, for the purpose of transporting along the mall shoppers and other persons entering the mall;

E. Commercial vehicles and equipment entering the mall where such entry is reasonably necessary for the purpose of performing work or services on the mall or on private property or properties abutting thereon and where the owner or operator of any such vehicle or equipment holds a permit issued by or at the direction of the Public Works Director, or designee; F. Commercial vehicles 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 abutting on the mall and where such deliveries cannot be made to said business establishments through entrances other than those on the mall and where the owner or operator of any such vehicle or equipment holds a permit issued by or at the direction of the Public Works Director, or designee."

The City Council has reviewed the matter and, based upon the facts and Section 5: information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3)and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.

Section 6: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

//

//

//

1	ADOPTED by the City Council this day of, 2019.
2	
3	WILLIAM D. DAH EV. HI
4	WILLIAM R. BAILEY, III Mayor of the City of Riverside
5	Attest:
6	
7	COLLEEN J. NICOL City Clerk of the City of Riverside
8	City Clerk of the City of Riverside
9	
10	
11	I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
12	foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
13	day of, 2019, and that thereafter the said ordinance was duly and regularly
14	adopted at a meeting of the City Council on theday of, 2019, by the
15	following vote, to wit:
16	Ayes:
17	Noes:
18	Absent:
19	Abstain:
20	IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
21	City of Riverside, California, this day of, 2019.
22	any or 111.012200, Camilorina, and any or, 2019.
23	
24	COLLEEN J. NICOL City Clerk of the City of Riverside
25	
26	\\Rc-citylaw\cycom\\WPDocs\\D004\\P029\\00460877.doc CA: 19-0023
27	
28	