

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
3 CALIFORNIA, AMENDING THE CITY'S FEES AND CHARGES SCHEDULE
4 IN RESOLUTION NO. 21960, AS AMENDED, PROVIDING FOR SHARED
MOBILITY DEVICE IMPOUND FEE AND REPEALING RESOLUTION
NUMBER 23480

5 WHEREAS, shared mobility devices, such as e-scooters, have become a nuisance and public
6 safety concern in the City because many are left in the right-of-way; and

7 WHEREAS, City forces are occasionally necessary to remove shared mobility devices that
8 have become a nuisance in the public right-of-way; and

9 WHEREAS, it is necessary to establish a Shared Mobility Device impound fee to recover the
10 costs to the City to impound Shared Mobility Devices left in the public right-of-way in violation of
11 the Riverside Municipal Code; and

12 WHEREAS, the City has the authority to impose fees under its police power under Article XI,
13 §7 of the California Constitution and under its complementary powers under Section 37112 of the
14 California Government Code and Section 200 of the Riverside City Charter; and

15 WHEREAS, the adoption of a schedule of fees and charges to be paid by those requesting
16 special services and the percentage of costs reasonably borne by those persons receiving such special
17 services are necessary so that the City might effectuate its policies; and

18 WHEREAS, the City adopted its Master Fees and Charges Resolution, Resolution No. 21960,
19 on January 12, 2010 and, on June 12, 2018, the City adopted Resolution No. 23317, which, together
20 with Resolution No. 21960 and its amendments, is referred to as the "Master Fees and Charges
Schedule;" and

21 WHEREAS, it is desirable to revise the adopted Master Fees and Charges Schedule, to add the
22 fees and charges associated with the City Shared Mobility Device Program; and

23 WHEREAS, all of the proposed fee revisions fall within the stated exceptions to the definition
24 of "tax" established by Proposition 26, and are therefore not subject to the requirements of Article
25 XIII of the California Constitution; and

26 WHEREAS, on August 6, 2019 the City Council adopted Resolution number 23480
27 establishing Shared Mobility Device Program fees, which are no longer necessary; and
28

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside,
2 California, as follows:

3 Section 1: The above recitals are hereby found to be true and correct and are hereby
4 incorporated herein as if stated in full.

5 Section 2: Resolution No. 23480, and the fees established therein, is hereby repealed.

6 Section 3: Resolution No. 21960 and all applicable amendments thereto are hereby
7 amended to add the Shared Mobility Device Impound Fee in the amount of \$149.14, to be charged
8 under the category 4142 Right-of-Way Clean Up.

9 Section 4: The schedule of fees and charges, as established in this Resolution are hereby
10 directed to be computed and applied by the various departments, officers, employees, and agents of
11 the City and collected by the City for the herein listed special services when provided by the City or
12 its designated contractors.

13 Section 5: The fees and charges revisions set forth in this Resolution fall within the stated
14 exceptions to the definition of “tax” established by Proposition 26 and therefore are not subject to the
15 requirements of Article XIIC of the California Constitution.

16 Section 6: This resolution may be interpreted by the administering City department head in
17 consultation with the City Manager and, should there be a conflict between two fees, then the lower
18 in dollar amount of the two shall be applied.

19 Section 7: The Chief Financial Officer is hereby authorized and directed to maintain a
20 current Master Fees and Charges Schedule, along with all attachments, which will include all
21 amendments to the Fees and Charges Resolution.

22 Section 8: If any portion of this resolution is for any reason declared invalid or
23 unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect
24 the validity of the remaining portions of this resolution; the City Council hereby declaring that it would
25 have adopted this resolution and every other section, subsection, paragraph, subparagraph, item, sub-
26 item, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection,
27 paragraph, subparagraph, item, sub-item, sentence, clause, phrase, or portion be declared invalid or
28 unconstitutional.

Section 9: Resolution No. 21960 and all applicable amendments thereto are hereby amended as of the date this resolution becomes operative and any previously established fee or charge that is not amended herein shall remain in full force and effect.

ADOPTED by the City Council this _____ day of _____, 2019.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council on the _____ day of _____, 2019, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
City of Riverside, California, this _____ day of _____, 2019.

COLLEEN J. NICOL
City Clerk of the City of Riverside

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