

ORDINANCE NO. 19-0006-U

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH PROHIBITING SHARED MOBILITY DEVICES FROM BEING PLACED IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, OPERATED IN ANY PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, OR OFFERED FOR USE ANYWHERE IN THE CITY FOR ONE YEAR AND DECLARING THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA Findings. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The adoption and implementation of the Ordinance would prohibit shared mobility devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City. This Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that prohibiting shared mobility devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City will have a significant effect on the environment. This Ordinance is additionally exempt from CEQA pursuant to CEQA Guidelines Section 15301(c), as it involves no expansion of the use of existing facilities, a category that includes streets and sidewalks.

SECTION 2. On August 21, 2018, the City Council enacted an urgency ordinance prohibiting shared mobility devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City. The ordinance was necessary to address the serious safety hazards posed by the proliferation of unregulated shared mobility devices being illegally operated on the sidewalk and abandoned haphazardly on public and private property. The ordinance included a sunset provision that will expire.

SECTION 3. Based upon the foregoing, the Manhattan Beach City Council hereby adds Chapter 14.70 (Shared Mobility Devices) to Title 14 (Traffic) of the MBMC to read as follows:

“CHAPTER 14.70 - SHARED MOBILITY DEVICES

- Section 14.70.010: Purpose.
- Section 14.70.020: Definition.
- Section 14.70.030: General Requirements.
- Section 14.70.040: Violations.

Section 14.70.010 - Purpose.

The purposes of this chapter are to prohibit shared mobility devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City, so as to allow for adequate pedestrian traffic flow and to promote public safety and to provide time for the City to develop a comprehensive set of regulations regulating such devices.

Section 14.70.020 - Definition.

For purposes of this chapter, “shared mobility device” means any wheeled device, other than an automobile or motorcycle, that is powered by a motor; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for shared use by members of the public; and is available to members of the public in unstaffed, self-service locations, except for those locations which are designated by the City.

Section 14.70.030 - General Requirements.

A. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a shared mobility device in a public right-of-way or on public property anywhere within the City.

B. It is unlawful to operate a shared mobility device in a public right-of-way or on public property anywhere within the City.

C. It is unlawful to provide or offer for use a shared mobility device anywhere within the City.

Section 14.70.040 - Violations.

A. Violations of this chapter shall be punishable as provided for in Title 1, Chapter 1.04 of this Code.

B. Peace Officers, Traffic Control Officers, Parking Enforcement Officers, those City officials designated by the City Manager, and any party contracted by the City to are authorized to impound any shared mobility device (pursuant to the California Vehicle Code) that has been offered for use, placed in a public right-of-way or on public property, or operated in a public right-of-way or on public property in violation of this chapter. The impound shall be subject to an impound and storage fee established by resolution of the City Council.”

SECTION 4. Sunset Provision. Unless repealed upon the effective date of Ordinance No. 19-0006-U, these regulations shall remain in effect for 12 months from the effective date of this Ordinance to provide time for the City to develop a comprehensive set of regulations. At that time, this ordinance shall become ineffective unless the City Council acts to readopt the provisions herein. The City Council hereby directs the City Clerk not to codify this Ordinance until further action taken by the City Council.

SECTION 5. Declaration of Facts Constituting the Urgency. Dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations, have proliferated rapidly in multiple cities in Los Angeles County. There have been numerous instances where these scooters and bicycles have appeared in the City, and these occurrences have since proliferated rapidly. These shared mobility devices are unregulated, and are frequently abandoned by users in streets, sidewalks, and other public places throughout other cities in Los Angeles County and have already, on occasion, been abandoned throughout Manhattan Beach, creating serious safety concerns, especially for the City's most vulnerable pedestrians. Moreover, due to the spontaneous nature of these rentals and their appeal to young people, shared mobility devices are nearly always operated by users--often minors--without helmets, in contravention of state law. The City Council finds that there is a current and immediate threat to the public peace, health, safety and welfare posed by the shared mobility devices. Prior to the adoption of Ordinance No. 18-0018, the Manhattan Beach Police Department received over 20 calls regarding dockless electric scooters relating to inquiries, concerns, and complaints. For the immediate preservation of the public peace, health, safety, and welfare the City Council adopted Ordinance No. 18-0018-U to address the hazards posed by shared mobility devices placed in and operated on public property to provide time to explore the feasibility of an alternative regulatory scheme or pilot project involving shared mobility devices. However, there has been no change in the shared mobility device landscape that would suggest that the problems the initial ordinance addressed would not resurface if the prohibition were to expire. The City Council has the authority to adopt an urgency ordinance pursuant to Government Code Section 36937 in order to protect the public health, safety, or welfare.

SECTION 6. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 7. Any provisions of the MBMC, or appendices thereto, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance, are hereby repealed; and the City Clerk shall make any necessary changes to the MBMC for internal consistency.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

SECTION 9. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Section 36937(b); and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption.

ADOPTED on February 19, 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:

STEVEN A. NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk