

URGENCY ORDINANCE NO. 20-0008-U

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
ADDING CHAPTER 14.70 (SHARED MOBILITY DEVICES)
TO TITLE 14 (TRAFFIC) OF THE MANHATTAN BEACH
MUNICIPAL CODE TO PROHIBIT SHARED MOBILITY
DEVICES FROM BEING PLACED OR OPERATED IN ANY
PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTY, OR
OFFERED FOR USE ANYWHERE IN THE CITY 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 this 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. 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 the other cities and have already, on occasion, been abandoned throughout the City, 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. Prior to the adoption of Ordinance No. 18-0018, the Manhattan Beach Police Department had received over 20 calls regarding dockless electric scooters relating to inquiries, concerns, and complaints.

SECTION 3. On August 21, 2018, the City Council adopted Ordinance No. 18-0018 which defined and prohibited the use, operation and offering for use of shared mobility devices in the public right-of-way or on public property. On March 6, 2019, the City Council adopted Ordinance No. 19-0006, which extended the prohibition for 12 months. Ordinance No. 19-0006 included a sunset provision that will expire on March 5, 2020.

SECTION 4. On February 4, 2020, the City Council conducted a duly noticed public meeting to consider adding Chapter 14.70 (Shared Mobility Devices) to Title 14 (Traffic) of the Manhattan Beach Municipal Code (MBMC) to prohibit shared mobility devices from being placed or operated in any public right-of-way or on public property, or offered for use anywhere in the City indefinitely.

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. Thereafter, there have been a number of devices left unattended in the public right-of-way. 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 hereby finds that it is necessary to adopt this urgency ordinance for the immediate preservation of the public peace, health, safety, and welfare pursuant to Government Code Section 36937.

SECTION 6. Based upon the foregoing, the Manhattan Beach City Council hereby adds Chapter 14.70 (Shared Mobility Devices) to Title 14 (Traffic) of the Manhattan Beach Municipal Code 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.

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. “Shared mobility device” excludes motorized mobility devices that are privately owned or rented for a minimum of 30 days by a single person who is continuously responsible for operation and possession of the device during such ownership or rental period.

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

1. Any violation of this chapter is hereby declared to be a public nuisance.

2. Violations of this chapter may be remedied by a civil action brought by the City, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief. For the purposes of the civil remedies provided in this section, each day on which this chapter is violated each shall constitute a separate violation of this chapter.

3. The City Prosecutor shall have discretion to prosecute violations of this chapter as infractions or misdemeanors.

4. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.”

B. Peace Officers, Traffic Control Officers, Parking Enforcement Officers, those City officials designated by the City Manager, and any party contracted by the City 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 7. 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 8. Any provisions of the Municipal Code, 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 9. Urgency Ordinance No. 20-0008-U shall be repealed upon the effective date of this Ordinance.

SECTION 10. 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 11. 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 4, 2020.


AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

NANCY HERSMAN
Mayor

LIZA TAMURA
City Clerk

APPROVED AS TO FORM



QUINN M. BARROW
City Attorney