

ORDINANCE NO. 4164

AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH ESTABLISHING A TEMPORARY
MORATORIUM ON DOCKLESS SHARED MOBILITY DEVICES (BIKES AND
SCOOTERS) AND RELATED SHARED MOBILITY DEVICE BUSINESSES

WHEREAS, Government Code section 65858 provides that the City Council, to protect public health, safety, and welfare, may adopt as an urgency measure an interim ordinance prohibiting certain uses while the City studies those uses; and

Shared mobility devices (e.g. bicycles and scooters) can be accessed using a mobile application that allows a user to unlock the device remotely, activating a rental of the device for typically \$1 plus \$0.15 per minute of use

Shared mobility devices are offered in either a “docked” system or a “dockless” system. In a docked system, the renter must return the device to a docking station in order to terminate the rental period. In a dockless system, the renter can terminate the rental period using the mobile application to lock the device. Once locked, the device can be left anywhere the renter chooses. Using GPS technology, the mobile application shows the location of all available devices.

Dockless devices have sprouted up all over California and in particular in beach communities to the north and south of Huntington Beach.

The dockless devices have been especially problematic for cities because many users leave the bicycles and scooters haphazardly in public pathways or on sidewalks, creating a tripping hazard. In addition, it has been reported that certain mobility device users ignore local and state traffic regulation and ride on sidewalks or without a helmet.

City staff needs time to study this issue and to present a recommendation to the City Council as to the proper City regulation of these dockless shared mobility devices and related businesses; and

The City Council does hereby find that the problem of dockless shared mobility devices is a current and immediate threat to the public health, safety and welfare of the community because if dockless shared mobility device businesses were to begin operation before the City can study and implement the authority to safely regulate these businesses the public rights of way including streets and sidewalks may be compromised,

NOW, THEREFORE, the City Council of the City of Huntington Beach does ordain as follows:

SECTION 1. That the above recitals are true and correct and are adopted as the City Council’s findings.

SECTION 2. In order to protect the public health, safety and welfare of the community and pursuant to the provisions of Government Code §65858, a moratorium is hereby established prohibiting dockless shared mobility devices and related businesses in this City and new dockless shared mobility device businesses shall not be approved nor shall they operate while this moratorium is in effect.

SECTION 3. That City staff is directed to study the details of these dockless shared mobility device businesses and report back to the City Council in an expeditious manner before this ordinance or any lawful extension expires.

SECTION 4. This ordinance is declared to be an urgency measure and interim ordinance adopted pursuant to the provisions of Government Code Section 65858. As set forth in the findings above, this ordinance is necessary for preserving the public health, safety and welfare of the community. Accordingly, upon adoption by a four-fifths vote of the City Council, this ordinance shall take effect immediately.

SECTION 5. That this ordinance is adopted by at least a 4/5 vote of the City Council.

SECTION 6. This ordinance shall be of no further force or effect upon the expiration of one-hundred-twenty (120) days from the date of adoption, unless extended in accordance with California Government §65858.

SECTION 7. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. Further, the City Council hereby declares that this ordinance neither is intended to nor shall it impair the obligation of existing contracts.

SECTION 8. The City Clerk shall cause this ordinance to be posted in three places designated by City Council pursuant to City Charter Section 500(c) and published by title with a brief summary at least once within fifteen (15) days after its adoption in a newspaper of general circulation, published in the County of Orange and circulated in the City, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 9. The City Council finds that, regarding the California Environmental Quality Act (CEQA), there is no possibility that the adoption of this ordinance may have a significant adverse effect on the environment (CEQA Guideline 15061 (b)(3)).

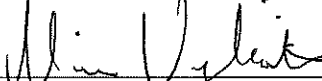
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2018.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk



For City Attorney

REVIEWED AND APPROVED:

City Manager