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ORDINANCE NO. 20-1418

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE HERMOSA BEACH MUNICIPAL CODE TO EXTEND THE TEMPORARY PROHIBITION ON SHARED MOBILITY DEVICES FROM BEING OFFERED FOR USE ANYWHERE IN THE CITY; PLACED IN ANY PUBLIC RIGHT-OF-WAY OR PUBLIC PROPERTY; OR OPERATED ON ANY PUBLIC PROPERTY OR RIGHT-OF-WAY IN THE CITY.

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings.

A. Recent transportation and technology innovations and community interest in new mobility options have created a new market of both privately-owned and on-demand dockless electric scooters and bicycles (referred to as shared on-demand personal mobility devices). While this equipment offers a new form of low-emission transportation options, the technology has the ability for shared equipment to be placed or left virtually anywhere in the public right-of-way, and for both shared and privately-owned equipment to be operated by users in a manner that is considered unsafe to the operator or other users of public spaces.

B. The sudden and unforeseen proliferation of these privately-owned and on-demand shared mobility devices that operate in the public right-of-way, has created potential nuisance and safety concerns that are not adequately covered by existing definitions and regulations in the California Vehicle Code or the Hermosa Beach Municipal Code.

C. It is the belief of the City of Hermosa Beach that, based on the operation in other cities and understanding of the current technology of active operators that adequate mechanisms are not yet in place to prevent such nuisance conditions and ensure safe operation. Therefore, the City of Hermosa Beach initiated amendments to the Municipal Code to temporarily prohibit the operations of shared on-demand personal mobility devices that operate in the public right-of-way or on public property until such time when regulations are adopted and permits are issued to address potential nuisance conditions and safety concerns associated with scooter and bikeshare equipment.

1 The Hermosa Beach City Council properly reviewed and considered this matter on October 13,
2 2020. Public Notice of the hearing was published on October 1, 2020.

3 **SECTION 2.** Chapter 10.44 of Title 10 of the Hermosa Beach Municipal Code is amended
4 to read as follows:

5 **Chapter 10.44 – Shared On-Demand Personal Mobility Devices**

6 10.44.010 – Purpose.

7 The purpose of this chapter is to prohibit Shared On-Demand Personal Mobility Devices from being
8 placed in the public right-of-way or on public property, operated in the public right-of-way, or
9 offered for use anywhere in the City until such regulations may be adopted so as to address potential
10 nuisance conditions and safety concerns related to the operation of Shared On-Demand Personal
11 Mobility Devices.

12 10.44.020 – Definitions.

13 a) “Shared On-Demand Personal Mobility Devices” shall mean any wheeled device that has
14 handlebars, and is designed to be either powered by an electric motor or other power source, or to
15 be powered by human propulsion, that is accessed via an on-demand portal, whether through a
16 smart-phone, access code, I.D. card, or similar method, and is operated by a public, private , or
17 non-profit entity that owns, manages, maintains and insures devices for shared use by members,
18 which are available to members in unstaffed, self-service locations.

19 b) “Shared On-Demand Personal Mobility Device Operator” (“Operator”) shall mean an
20 individual or a public, private, or non-profit entity that manages Shared On-Demand Personal
21 Mobility Devices.

22 10.44.030 – General Requirements

23 It is unlawful to provide, place, offer for use or operate a Shared On-Demand Personal Mobility
24 Device, or to operate as a Shared On-Demand Personal Mobility Device Operator in any street or
25 public right of way, or other public place within the City in which the public has the right of travel.

26 a) Any Enforcement Officer, as that term is defined in HBMC Section 1.10., is hereby authorized
27 to impound the Shared On-Demand Personal Mobility Devices of any person or Shared On-Demand
28

1 Personal Mobility Device Operator violating the provisions of this chapter Equipment shall be
2 subject to an impound fee established by City Council resolution.

3 b) The City Manager may promulgate regulations for the notification to the Operator and return
4 of the Devices to the Operator and as may otherwise be necessary to implement the purpose of this
5 chapter.

6 10.44.040 – Violations.

7 A violation of this chapter is subject to the administrative penalty provisions of Chapter 1.10 of this
8 code. Where the violation is of a continuing nature, each day or portion thereof wherein the violation
9 continues constitutes a separate and distinct violation. It is a violation of this chapter to knowingly
10 make a false statement in any application for a license or permit or in any report required under this
11 chapter.

12 10.44.050 – Applicability of Traffic Regulations, Beach and Strand Regulations.

13 Every person riding a shared on-demand personal mobility device in the City shall be subject to all
14 of the applicable duties of the driver of a vehicle by Title 10, Vehicles and Traffic, Chapter 10.12
15 Traffic Rules, and the operator of wheeled devices by Title 12, Street, Sidewalks and Public Places,
16 Chapter 12.20 sections 12.20.220 and 12.20.230.

17 ~~10.44.060. Sunset Clause~~

18 ~~This chapter shall expire on April 27, 2021 unless otherwise extended or changed by an act of the~~
19 ~~Hermosa Beach City Council.~~

20 **SECTION 3.** The City Clerk is directed to fill in the effective date in this ordinance for
21 Section 10.44.060 above.

22 **SECTION 4.** The City Clerk shall certify to the passage of this Ordinance, shall enter the
23 same in the book of original ordinances of said city, and shall make minutes of the passage and
24 adoption thereof in the records of the proceedings of the City Council at which the same is passed
25 and adopted.

26 **SECTION 5.** The City Council designated the City Attorney to prepare a summary of this
27 ordinance to be published pursuant to Government Code Section 36933(c)(1) in lieu of the full text
28 of said ordinance. The City Clerk caused said summary to be published on April 23, 2020 [five (5)

1 days before the adoption of the ordinance] in The Easy Reader, a weekly adjudicated newspaper of
2 general circulation, published and circulated in Hermosa Beach. Prior to the expiration of fifteen
3 (15) days after the date of adoption of the ordinance, the City Clerk shall cause the summary to be
4 re-published in The Easy Reader.

5 **SECTION 6.** The City Clerk shall certify to the passage of this Ordinance, shall enter the
6 same in the book of original ordinances of said city, and shall make minutes of the passage and
7 adoption thereof in the records of the proceedings of the City Council at which the same is passed
8 and adopted.

9 **SECTION 7.** This Ordinance shall become effective and be in full force and effect from
10 and after thirty (30) days of its final passage and adoption.

11
12 **PASSED, APPROVED and ADOPTED** this 10th day of November, 2020 by the following vote:

13
14
15 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

16
17 **ATTEST:**

APPROVED AS TO FORM:

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19
20 _____
Eduardo Sarmiento, City Clerk

Michael Jenkins, City Attorney