

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE
CITY OF MOUNTAIN VIEW ESTABLISHING A TEMPORARY MORATORIUM
ON SHARED MOBILITY DEVICES

WHEREAS, the City of Mountain View is a charter city; and

WHEREAS, the City of Mountain View has adopted procedures for the adoption of ordinances, including urgency ordinances; and

WHEREAS, Section 514 of the City Charter authorizes the City Council to introduce and adopt an ordinance it declares to be necessary as an emergency measure to preserve the public peace, health, or safety at one and the same meeting if passed by at least five (5) affirmative votes; and

WHEREAS, California Government Code Section 65858 sets forth a separate procedure for zoning urgency ordinances, and this procedure does not apply to this urgency ordinance because it is not a zoning regulation, and

WHEREAS, the City of Mountain View currently does not regulate the use of shared mobility devices or the implementation of shared mobility device programs; and

WHEREAS, the City of Mountain View has a pilot bike share program in which bike share operators that obtain a permit issued by Public Works may operate in the City in accordance with the program terms; and

WHEREAS, cities throughout the State and County have experienced deployment of shared mobility device programs in advance of regulation; and

WHEREAS, the City has received interest from shared mobility device operators to deploy shared motorized scooters in the City; and

WHEREAS, the deployment of shared mobility device programs without proper regulation and oversight poses significant peace, health, and safety risks, including noncompliance with sidewalk riding laws; safety hazards associated with potential sidewalk riding at speeds of between 10 and 28 miles per hour; safety, access, and nuisance impacts of inappropriate parking on City streets, sidewalks, and public rights-of-way; and

WHEREAS, it is the intent of the Council to impose a temporary moratorium on the use of shared mobility devices in the City until the City has an opportunity to create a regulatory framework that will ensure the mobility devices are safely used within the City; and

WHEREAS, for the reasons set forth above, this ordinance is declared by the City Council to be necessary for the immediate preservation of the public peace, health, and safety, and the recitals above taken together constitute the City Council's statements of the reasons for such necessity and urgency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby incorporates them into this Urgency Ordinance.

Section 2. Definitions. For the purpose of this Urgency Ordinance, the following terms shall have the definitions below:

a. "Shared mobility device" shall mean any bicycle (including a tricycle or quadricycle), electric bicycle, or scooter (including two (2) or three (3) wheels) and that is powered by human propulsion, motor, or electricity and is used by sitting or standing on the device.

b. "Shared mobility device operator" shall mean an individual or a public, private, or nonprofit entity that manages, owns, or operates a shared mobility device program for use by the general public.

c. "Bike Share Program" shall mean the pilot program operated by the Public Works Department and encompasses any bike share operator or shared mobility device operators that have received a permit from the City of Mountain View.

Section 3. Moratorium. For the immediate preservation of public peace, health, and safety, and pursuant to Section 514 of the City Charter, there shall be a moratorium on all shared mobility device programs operating on any public street, highway, roadway, or sidewalk in all zoning districts.

Section 4. Removal. During the moratorium, the City may remove any shared mobility device that is owned or controlled by a shared mobility device operator, if the shared mobility device is made available through a shared mobility device program and is left in a public right-of-way or on public property.

Section 5. Exemptions. The provisions of this Urgency Ordinance shall not apply to any existing shared mobility device programs, including the Bike Share Program, that are being conducted through the Public Works Department.

Section 6. Authority. This Urgency Ordinance is enacted pursuant to the City of Mountain View's general police powers, Section 514 of the Charter of the City of Mountain View, and Article XI of the California Constitution.

Section 7. CEQA. In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), this Urgency Ordinance is not subject to the requirements of CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 8. Severability. If any section, subsection, sentence, clause, or phrase of this Urgency Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance. The City Council declares that it would have adopted this Urgency Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 9. Further Action. Although no bike share operators are currently operating in the City, the bike share pilot program remains active and the bike share evaluation process is under way. In addition, City staff is currently working on initial concepts and parameters for a proposed e-scooter share permit pilot program. The City Council directs City staff to continue to research Best Practices for regulating and implementing shared mobility device programs in the City in order to protect public peace, health, and safety, and to report back to the City Council in an expeditious manner.

Section 10. Effective Date. Pursuant to Section 514 of the Mountain View City Charter, as an urgency ordinance, this Urgency Ordinance becomes effective immediately upon its adoption by five (5) affirmative votes of the City Council.

Section 11. Publication. Pursuant to Section 522 of the Mountain View City Charter, the City Clerk shall publish this Urgency Ordinance at least once in the official newspaper within fifteen (15) days after its adoption.

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