

ORDINANCE NO. 4259

AN ORDINANCE OF THE CITY OF POMONA, CALIFORNIA ADDING TO THE POMONA CITY MUNICIPAL CHAPTER 30 ARTICLE XIII “SHARED DOCKLESS MICRO-MOBILITY DEVICE BUSINESSES; e-SCOOTERS AND e-BICYCLES” TO PROHIBIT SHARED DOCKLESS MICRO-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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POMONA AS FOLLOWS:

SECTION 1. Findings.

A. Cities around the State of California have seen the rapid and unauthorized introduction and implementation of shared dockless micro-mobility device programs, whereby large quantities of motorized scooters, also known as “e-scooters,” and motorized bicycles, also known as “e-bicycles,” are provided or offered to local residents and visitors for rent via self-service portals, applications or other methods.

B. Many motorized scooters and bicycles provided through an unregulated and unrestricted scooter-share program are “dockless” and provided to consumers without any designated platform, parking areas, or other safe and unobtrusive location for leaving parked or unattended motorized scooters, resulting in a proliferation of unattended or abandoned motorized scooters on streets, sidewalks, parks, and trails which block pedestrian access and unlawfully encroach on City property.

C. The proliferation of unauthorized shared dockless micro-mobility device programs in other California cities has resulted in complaints of injury and unauthorized encroachment on public and private property.

D. Motorized scooters are capable of traveling at speeds of up to 15 miles per hour and, thereby, particularly in large or unregulated quantities, constitute potentially serious public safety hazards for pedestrians, vehicles, and bicycles, and may result in serious injuries to persons and property.

E. The general public is often unaware of the potential safety hazards and state law restrictions applicable to operation of motorized scooters and bicycles, and therefore unregulated access to motorized scooters and bicycles can result in unauthorized and dangerous use on sidewalks or highways causing serious risk of harm to riders, pedestrians, vehicles, bicycles and property.

F. The City Council has therefore determined that operation of unregulated and unpermitted shared dockless micro-mobility device programs in the City will cause immediate serious and significant impacts to the public health, safety and welfare, including unauthorized use of sidewalks and streets, unpermitted obstructions and encroachments on public and private property, increased traffic congestion and collision, and potential for serious injury to persons and property.

G. Shared dockless micro-mobility device businesses are not permitted currently in the City; the City Council desires to expressly prohibit the operation of shared dockless micro-mobility device programs in the City, unless and until authorized and permitted by future action of the City Council.

SECTION 2. Add to the Pomona City Code Article XIII to Chapter 30, titled “Shared Dockless Micro-Mobility Device Businesses; e-Scooters and e-Bicycles,” to read as follows:

Article XIII Shared Dockless Micro-Mobility Device Businesses; e-Scooters and e-Bicycles

Sec. 30-755. – Purpose.

The purpose of this chapter is to prohibit Shared Dockless Micro-Mobility Devices from being placed in the public right-of-way or on public property, operated in the public right-of-way, or offered for use anywhere in the City until such regulations may be adopted so as to address potential nuisance conditions and safety concerns related to the operation of shared dockless micro-mobility devices.

Sec. 30-756. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“*electric bicycle*” is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

(1) A “class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) A “class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle,” is a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) A “class 3 electric bicycle,” or “speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and equipped with a speedometer.

“*motorized bicycle*” or “*moped*” is a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor that produces less than 4 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

“motorized scooter” means a two- or three-wheeled device that has handlebars, a floorboard designed to be stood upon when riding, and is powered by a motor.

“scooter” means a two- or three-wheeled device that has handlebars, a floorboard designed to be stood upon when riding.

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

“shared dockless micro-mobility device operator” shall mean an individual or a public, private, or non-profit entity that manages Shared Dockless Micro-Mobility Devices.

Sec. 30-757. – General Requirements.

It is unlawful to provide, place, or offer for use Shared Dockless Micro-Mobility Devices, or to operate a Shared Dockless Micro-Mobility Device in any street or public right-of-way or other public place within the city in which the public has the right of travel.

- a) The city council hereby authorizes all officers and employees of the city who have the duty to enforce city ordinances and this Code to cite persons for violation of such ordinances and this Code, and are hereby authorized to impound the Shared Dockless Micro-Mobility Devices of any person or Shared Dockless Micro-Mobility Devices Operator violating the provisions of this chapter. Devices shall be subject to an impound fee established by City Council resolution.
- b) The City Manager may promulgate regulations for the notification to the Operator and return of the Devices to the Operator and as may otherwise be necessary to implement the purpose of this chapter.

Sec. 30-758. - Violations.

- (a) In addition to any other remedy allowed by law, any person who violates a provision of this chapter may be subject to criminal sanctions, civil actions, and administrative citations pursuant to Section 50-357.
- (b) Violations of this article are hereby declared to be a public nuisance.
- (c) In the event a motorized scooter is impounded pursuant to Section 30-757(a), the motorized scooter share program operator shall pay the administrative costs incurred by the City in impounding the motorized scooter, if any, in addition to any applicable penalties imposed pursuant to subsection (a) above.
- (d) All remedies prescribed under this article are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this article.

SECTION 3. Severability.

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

SECTION 4. The City Clerk shall cause this Ordinance to be published in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage.

SECTION 5. The City Clerk shall attest to the passage and adoption of this ordinance, causing it to be posted as required by law and it shall become effective thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED this 15th day of April, 2019.

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Christi Hogin, Interim City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on April 15, 2019, and was adopted at a second reading at a regular meeting of the City Council of the City of Pomona held on April 15, 2019 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Rosalia A. Butler, MMC
City Clerk