

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, ADDING ARTICLE 33 TO CHAPTER 9,
AMENDING SECTION 14-305 AND ADDING SECTION
14-312 OF THE FRESNO MUNICIPAL CODE, RELATING
TO SHARED MOBILITY DEVICES

WHEREAS, there is a need for affordable, environmentally friendly alternatives for transportation in the City of Fresno; and

WHEREAS, shared mobility devices have been successful in other cities, but challenges exist; and

WHEREAS, the City of Fresno desires to provide for the regulation, permitting, and franchising of shared mobility devices.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 33 is added to Chapter 9 of the Fresno Municipal Code to read:

SECTION 9-3301. TITLE. This article shall be known as the "Shared Mobility Device Ordinance."

SECTION 9-3302. PURPOSE. Consistent with the City's goals of enhancing mobility and access, easing traffic congestion, and promoting sustainability, this Article creates a program to facilitate the use of shared mobility devices while ensuring the protection of public health and safety, including the safety of the public traveling by foot, bicycle, or vehicle on public sidewalks, streets, and other public rights-of-way.

Date Adopted:
Date Approved
Effective Date:
City Attorney Approval: _____

Ordinance No.

SECTION 9-3303. DEFINITIONS.

(a) “Abandon” shall mean leaving an item unattended for any length of time.

(b) “Operator” shall mean any person or business entity granted a permit and franchise by the City to operate a shared mobility device service.

(c) “Public Area” shall mean any outdoor area that is open to the public for public use, whether owned or operated by the City or a private party.

(d) “Public Right-of-Way” shall mean any public alley, parkway, public transportation path, roadway, sidewalk, or street that is owned, granted by easement, operated, or controlled by the City.

(e) “Shared Mobility Device” shall mean any bicycle, tricycle, scooter, hoverboard, skateboard, pedal car, or other similar device, whether powered or non-powered, that is displayed, offered, or placed for rent in any Public Area or Public Right-of-Way. A Shared Mobility Device does not include automobiles registered by the California Department of Motor Vehicles, nor devices used as assistive mobility devices by persons with disabilities.

(f) “User” means a person who rents and uses a Shared Mobility Device from an Operator.

SECTION 9-3304. GRANTING OF PERMITS AND FRANCHISES. Any person, firm, or corporation desiring to make available for rent or shared use

within the City of Fresno any Shared Mobility Device shall first obtain a permit and franchise therefor.

SECTION 9-3305. APPLICATION FOR PERMIT AND FRANCHISE.

(a) Any person seeking to obtain a Shared Mobility Device Operator permit and franchise shall submit a written permit application, signed under penalty of perjury, using the form designated by the City Manager for that purpose.

(b) The City Council may establish permit and franchise fees and charges in the Master Fee Resolution, which shall:

(1) Defray the City's costs in administering and enforcing the provisions of this Article; and

(2) Reflect charges associated with use of public property pursuant to this Article.

(c) The City Manager may specify the information that must be provided in connection with an application and the form in which the information is to be provided. The application shall contain, at a minimum, the following information:

(1) The name and business address of each person or entity that: (i) has more than a ten percent equity, participation, or revenue interest in the applicant; or (ii) is a trustee, director, partner, or officer of that entity or of another entity that owns or controls the applicant, excepting persons serving in those capacities as volunteers, without compensation, for organizations

exempt from income taxes under Section 501(c)(3), (4), or (6) of the Internal Revenue Code;

(2) The name and business address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling the applicant in whole or in part, or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity;

(3) Information sufficient to show that the applicant is financially, technically, and legally qualified to operate and maintain a Shared Mobility Device system;

(4) A description of the proposed plan of operation, including, at a minimum, a detailed description of:

(i) The applicant's current operations in the City and other jurisdictions, including copies of the applicant's operating permits for all such jurisdictions,

(ii) The applicant's proposed operations in the City including the maximum number of Shared Mobility Devices anticipated, the plan for balancing Shared Mobility Devices for Citywide coverage, the plan for Shared Mobility Device maintenance, levels of staff for operations and administration, and the plan for customer service,

(iii) The applicant's regulatory compliance program,

(iv) The applicant's history of, intent to, and ability to comply with, State and local law,

(v) The applicant's plans to implement safety programs, including, for example, a program by which the applicant will receive information about and notify users of inappropriate use,

(vi) The applicant's plans to educate users of Shared Mobility Devices about applicable California Vehicle Code provisions, local laws, and other applicable laws, regulations, and guidelines,

(vii) The applicant's plans to comply with applicable Federal, State, and local data privacy laws and otherwise to protect the privacy of personal information provided by users, and

(viii) Any other requirements set forth by administrative regulation.

SECTION 9-3306. IMPOUNDMENT OF DEVICES.

(a) A Shared Mobility Device displayed, offered, or made available for rent, or Abandoned, in the Public Right of Way or a Public Area in violation of this Article or Chapter 14, Article 3, shall be subject to immediate impoundment by the City.

(b) The City Council may adopt impound fees in the Master Fee Resolution, which shall reflect the City's enforcement, investigation, storage and impound costs.

(c) No person shall retrieve any impounded Shared Mobility Device except upon demonstrating proper proof of ownership of the device and payment of applicable impound fees.

SECTION 9-3307. ENFORCEMENT. Any person who violates any provision of this Article or Chapter 14, Article 3, shall be guilty of an infraction.

SECTION 2. Section 14-305 of the Fresno Municipal Code is amended to read:

SECTION 14-305. TRAFFIC REGULATIONS APPLY TO PERSONS RIDING BICYCLES[, SHARED MOBILITY DEVICES,] OR ANIMALS. Every person riding a bicycle[, a shared mobility device as defined in Section 9-3303,] or riding or driving an animal upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except those provisions which by their very nature can have no application.

SECTION 3. Section 14-312 is added to the Fresno Municipal Code to read:

SECTION 14-312. PARKING AND USE OF SHARED MOBILITY DEVICES.

(a) Operators shall inform Users how and where to properly use and park a Shared Mobility Device.

(b) A Shared Mobility Device parked in violation of this Article, or the permit or franchise agreement authorizing its use in the City, may be removed by the City and taken to a facility designated by the City for storage at the expense of the Operator.

(c) A Shared Mobility Device that is not in use:

1. Shall be parked in an upright manner;

2. Shall be parked in such a way that leaves at least six feet of unobstructed passage in the Public Right-of-Way;
3. Shall be parked at a designated parking area, parking rack, or docking station, if available;
4. Shall not be parked in a manner to obstruct:
 - a. Any transit infrastructure, where parking blocks ADA accessibility, bus operations including but not limited to bus stops and signs, shelters, BRT stations, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - b. Any bike lane;
 - c. Any loading zone;
 - d. Any accessible parking zone;
 - e. Any street furniture that requires pedestrian access;
 - f. Any curb ramp;
 - g. Any entrance or exit from any building;
 - h. Any driveway;
 - i. Any drainage facilities; and
 - j. Any fire hydrant.
5. Shall not be parked in any street or alleyway.

(d) Shared Mobility Device Users shall comply with all applicable provisions of the California Vehicle Code, including without

limitation the prohibition on riding a Shared Mobility Device on any sidewalk.

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____ Date
Laurie Avedisian-Favini
Assistant City Attorney

PL50507