

## **ORDINANCE NO. 21-003**

**Ordinance Of The City Council Of The City Of Emeryville Amending Section 4-13.02 of the Emeryville Municipal Code, “Dockless Shared Mobility System Operator Permits” And Section 4-13.10 of the Emeryville Municipal Code, “System Data and Reports”, To Modify The Permit Term And Remove Reference To A Standard; CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3)**

**WHEREAS**, the City of Emeryville recognizes the practice of mobility sharing as a beneficial mode of transportation that reduces demand for private vehicles, decreases per capita greenhouse gas emissions, and creates more affordable mobility options for all of Emeryville’s residents; and

**WHEREAS**, Dockless Shared Mobility services, which do not require a docking station to operate and may be electric-assist Devices, have the potential to offer the same benefits as bike sharing, and may offer additional mobility benefits for the public, including larger, more equitable service areas and accommodation for riders with a greater range of physical abilities; and

**WHEREAS**, the City’s Climate Action Plan (Resolution No. 16-166) calls for a 40% reduction in greenhouse gas emissions from 2004 levels by 2030; and

**WHEREAS**, unregulated, unpermitted shared-use Devices proliferating in the Emeryville community can cause problems including impeding the public right of way, facilitating improper use and placement, and creating tripping hazards; and

**WHEREAS**, effective and responsible regulation can help ensure that these new services can provide improved mobility options for the public, while also incentivizing appropriate placement and responsible behavior, local jobs, and accountability; and

**WHEREAS**, the City Council of the City of Emeryville adopted Ordinance 19-005, which added Chapter 13, “Dockless Shared Mobility Systems,” to Title 4 of the Emeryville Municipal Code, which established regulations for operating a Dockless Shared Mobility System in the City of Emeryville; and

**WHEREAS**, the City Council of the City of Emeryville wishes to amend Chapter 13 of Title 4 to require locking mechanisms for devices and to address the timeframe in which Operators must address complaints.

**NOW, THEREFORE, THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:**

### **SECTION ONE. PURPOSE AND INTENT**

The purpose and intent of this Ordinance is to adopt amendments to Chapter 13, “Dockless Shared Mobility Systems,” to Title 4 of the Emeryville Municipal Code to

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provide for effective and responsible regulation of Dockless Shared Mobility Devices and Systems.

## **SECTION TWO. AMENDING SECTION 4-13.02 OF THE EMERYVILLE MUNICIPAL CODE, "DOCKLESS SHARED MOBILITY SYSTEM OPERATOR PERMITS"**

Section 4-13.02 of the Emeryville Municipal Code, "Dockless Shared Mobility System Operator Permits", is hereby amended as follows. Additions are in double underline text. Deletions are in ~~strikeout text~~. Those portions not specifically amended remain unchanged.

### **4-13.02. Dockless Shared Mobility System Operator Permits.**

- (a) The City Manager is authorized to issue System Operator Permits to Operators who submit applications and fulfill all requirements of this Chapter, including payment of all fees, fines, and penalties to operate such Systems.
- (b) A Permit issued pursuant to this Chapter shall expire on June 30 of each year. Permits issued prior to July 1, 2021 shall expire on June 30, 2022. Operators must renew such Permits annually to continue operation.
- (c) The City Manager may promulgate additional regulations governing Systems, including but not limited to designating locations for dedicated locations for parking Devices in the public right of way.

## **SECTION THREE. AMENDING SECTION 4-13.10 OF THE EMERYVILLE MUNICIPAL CODE, "SYSTEM DATA AND REPORTS"**

Section 4-13.10 of the Emeryville Municipal Code, "System Data and Reports", is hereby amended as follows. Additions are in double underline text. Deletions are in ~~strikeout text~~. Those portions not specifically amended remain unchanged.

### **4-13.10. System Data and Reports.**

- (a) Operators shall make real-time data available to the City and designated third parties via ~~the data standard developed by the North American Bikeshare Association, known as the "Mobility Data Specification (MDS)," or similar standard as determined by the City.~~
- (b) Operators must provide quarterly reports to the City on key performance indicators, including, but not limited to, the following:
  - 1. Utilization rates

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2. Total trips by day of week and time of day
3. Origins and destinations
4. Routes
5. Trips per Device by day of week, time of day
6. Average trip distance
7. Device maintenance reports including battery life and disposition
8. Incidents of theft and vandalism
9. Number of complaints
10. Call volume, wait time, and call abandonment rates
11. Crash information
12. Payment method information
13. Rebalancing information
14. Outreach activities completed
15. Number of free or discounted helmets distributed
16. Number of Users taking advantage of low-income discount
17. Number of discounted rides taken
18. Number of account suspensions or revocations, including reason for the action.

(c) Operators must provide reports on a quarterly basis or at other intervals as agreed upon by the Operator and the City.

#### **SECTION FOUR. CEQA DETERMINATION**

The City Council finds, pursuant to Title 14 of the California Code of Regulations, that this Ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3).

#### **SECTION FIVE. SEVERABILITY**

The City Council hereby declares that every section, paragraph, clause and phrase of this Ordinance is severable. If, for any reason, any section, paragraph, clause and phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases

#### **SECTION SIX. CODIFICATION**

Sections Two and Three of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Four, Five, Six and Seven are not codified.

#### **SECTION SEVEN. EFFECTIVE DATE AND POSTING**

This Ordinance shall take effect 30 days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

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This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, May 4, 2021 and **PASSED AND ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, May 18, 2021, by the following vote:

AYES:	<u>5</u>	Mayor Martinez, Vice Mayor Donahue, and Council Members Bauters, Medina, and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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INTERIM CITY ATTORNEY