

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SANTA BARBARA,
STATE OF CALIFORNIA**

IN THE MATTER OF ESTABLISHING FEES AND PROCEDURES FOR THE USE OF
COUNTY RIGHT OF WAY FOR BUSINESS PURPOSES PURSUANT TO COUNTY CODE
CHAPTERS 9, 23, and 28 ARTICLE X

RESOLUTION NO. _____

WHEREAS, on November 10, 2009, the Santa Barbara County Board of Supervisors approved and adopted Ordinance No. 3894 establishing parameters of the use of County road right of way for conducting business; and

WHEREAS, use of the public right of way for business purposes requires oversight to regulate safe and appropriate use of the right of way; and

WHEREAS, fees for use of County sidewalks and rights-of-way for business purposes provides recovery of costs for oversight and to address the specific benefit of allowing businesses to use the public right-of-way; and

WHEREAS, the fee determination is based on anticipated costs for administering permits and specific benefit to the businesses for use of the public right of way; and

WHEREAS, Chapter 9 of County Code and California Vehicle Code Section 21210 and 22651 allow for regulation of shared mobility and other vehicles, and impoundment of improperly parked vehicles; and

WHEREAS, County Code Section 23-11.12 allows establishment of permit procedures by resolution of the Board of Supervisors; and

WHEREAS, Santa Barbara County Code has been amended to add Chapter 28, Article X: consisting of new sections 28-124 through 28-133, entitled "Use Of County Sidewalks And Rights-Of-Way For Business Purposes" to allow for the use of public space to while placing conditions on businesses for safer and more uniform operations.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

- a. The above recitations are found to be true and correct.
- b. The fees set hereunder are user fees, not a tax or special assessment.
- c. Businesses using County road right of way for operating shall apply for, and meet conditions of, an Annual Business Purposes Encroachment Permit each year prior to commencing operations for the year.

- d. The non-refundable application fee for an Annual Business Purposes Encroachment Permit shall be \$500. The fee structure may be annually updated by the Public Works Director consistent with the changes to staff costs for review, approval, administration, and monitoring of permit activities.
- e. The fee for use of public right of way for outdoor dining shall be \$1.00 per gross square foot of right of way per month through December 31, 2019. The fee structure may be annually updated by the Public Works Director consistent with the change in the Consumer Price Index (Los Angeles-Long Beach-Anaheim – all items, September to September).
- f. The fee for use of public right of way for exclusive car share spaces shall be \$75 per space, per month through December 31, 2019. The fee structure may be annually updated by the Public Works Director consistent with the change in the Consumer Price Index (Los Angeles-Long Beach-Anaheim – all items, September to September).
- g. The fee for use of public right of way for bicycle sharing shall be \$5.00 per gross square foot of right of way per month for any exclusive designated parking areas in the right of way, plus \$1.00 per vehicle for all vehicles operating in the unincorporated County, through December 31, 2019. The fee structure may be annually updated by the Public Works Director consistent with the change in the Consumer Price Index (Los Angeles-Long Beach-Anaheim – all items, September to September).
- h. The fee for use of public right of way for scooters and other on demand personal mobility vehicles shall be \$5.00 per gross square foot of right of way per month for any designated parking areas in the right of way, plus \$5.00 per vehicle for all vehicles operating in the unincorporated County, through December 31, 2019. The fee structure may be annually updated by the Public Works Director consistent with the change in the Consumer Price Index (Los Angeles-Long Beach-Anaheim – all items, September to September).
- i. The impoundment fee for equipment or for each vehicle in the right of way that does not conform to Chapters 9 and 28 of the County Code shall be \$300.00.
- j. This resolution shall be operative as of December 13, 2018.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County Santa Barbara, State of California, on this _____ day of _____, 2018 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICE

CLERK OF THE BOARD

COUNTY OF SANTA BARBARA

By: _____
Deputy Clerk

By: _____
Das Williams, Chair
Board of Supervisors

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
THEODORE A. FALLATI, CPA
AUDITOR-CONTROLLER

By: _____
Deputy County Counsel

By: _____
Deputy