

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY CODE OF THE COUNTY OF SANTA BARBARA AMENDING CHAPTER 9, BICYCLES, SKATEBOARDS, SCOOTERS, AND SHARED MOBILITY SERVICES SECTIONS 9-1 THROUGH 9-7.

WHEREAS, public parking in the road right-of-way is a service to people with cars and the car share parking spaces are to be available to people who do not have a car; and

WHEREAS, shared mobility devices offer last mile connections and mobility for people not using cars; and

WHEREAS, using fleet vehicles and shared mobility devices has the potential to relieve parking demand in impacted areas.

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1: Ordinance Amendment

Section 9-1.- Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) “Bicycle” means a bicycle is a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.
- (b) “E-bike” means any bicycle with an electric motor used for propulsion. E-bikes will be categorized into three classes:
 - i. Class 1: Bicycles equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph.
 - ii. Class 2: Bicycle equipped with a throttle-actuated motor and that ceases to provide assistance when the e-bike reaches 20 mph.
 - iii. Class 3: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that cease to provide assistance when the e-bike reaches 28 mph.
 - iv. Class 4: All other bicycles with any type of motorized assistance not otherwise categorized.

- (c) “Electric scooter” means any two-wheeled device that has handlebars, a floorboard that is designed to be stood upon when riding, and is powered by an electric motor. The device may be designed to also be powered by human propulsion.
- (d) “Motorized scooter” means any two-wheeled device that has handlebars, a floorboard that is designed to be stood upon when riding, and is powered by a motor. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion.
- (e) “Motor vehicle” means any vehicle that is self-propelled or has a device to provide assistance in propelling the vehicle. “Motor vehicle” does not include wheelchairs, motorized tricycles, or motorized quadricycles if operated by a person unable to move about as a pedestrian.
- (f) “Shared service parking space” means any space in the public right-of-way in which a shared mobility device may be parked in compliance with this chapter.
- (g) “Shared mobility business” means any business providing shared vehicles for the public to use with a membership or for rental, usually using a smart device application to obtain use of the vehicle.
- (h) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, cooperative, collective, or any other group or combination acting as a unit and includes the plural as well as the singular number.
- (i) “Shared Mobility Device” or “SMD” means e-bikes, electric scooter, motorized scooter, or any device(s), including those defined in this Chapter, by which a person may be propelled, moved, or drawn, that is self-propelled or has a mechanism to provide assistance in propelling the device. SMD does not include wheelchairs, motorized tricycles, or motorized quadricycles if operated by a person unable to move about as a pedestrian.
- (j) “Skateboard” means and includes all wheeled objects regardless of motive power, not otherwise classified as a bicycle, SMD, or as a vehicle as defined in the California Vehicle Code and shall specifically include, but not be limited to, skateboards or any device resembling a skateboard, roller blades, roller skates, coasters, scooters and toy vehicles.

Section 9-2. - Riding on sidewalk prohibited.

No person over the age of 15 shall ride a bicycle vehicle upon, or along any public sidewalk in the County.

Sec. 9-3. - Operation on grounds of educational institutions—Regulated.

No person shall drive any Bicycle or SMD, nor shall any person stop, park, or leave standing any Bicycle or SMD, whether attended or unattended, upon the driveways, paths, or the grounds of any public school, state university, state college, state, county, or municipal institution or building, or any educational institution exempted in whole or in part from taxation, except with

the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or office of the public school, state university, state college, state, county, or municipal institution or building, or educational institution.

Sec. 9-4. - Same—Signs to be posted.

Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under authority of the preceding section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted.

Sec. 9-5. – Removal of Bicycles or SMDs.

Duly appointed law enforcement are hereby authorized to remove bicycles or SMDs from a public place to the county impound or other place of safety, under the circumstances hereinafter enumerated:

- (a) Bicycles or SMDs found to be parked in violation of Vehicle Code Sections 21210 or 22651, or in violation of posted restrictions, on any public path, sidewalk or street, may be removed and impounded by any sheriff, undersheriff, or deputy sheriff, or any regularly employed county employee engaged in directing traffic or enforcing parking laws or regulations of the county, so long as signs are posted giving notice of the removal of unlawfully parked bicycles or SMDs from the restricted area, including the telephone number of the county sheriff's department.
- (b) Bicycles or SMDs appearing abandoned on any public path, sidewalk or street may be removed and impounded by any sheriff, undersheriff, or deputy sheriff, or any regularly employed county employee engaged in directing traffic or enforcing parking laws or regulations of the county. For use in this section the term "appearing abandoned" shall refer to the condition of a Bicycle or SMD in a state of disuse or neglect as evidenced by missing components, flat tires, or other signs of disuse or neglect.
- (c) Pursuant to Streets and Highways Code sections 1460 through 1496, as applicable, and after notice, SMDs owned or operated by an shared mobility business without an encroachment permit from the County, prescribed in Chapter 28, found on any public path, sidewalk or street may be removed and impounded by any sheriff, undersheriff, or deputy sheriff, or any regularly employed county employee engaged in directing traffic or enforcing parking laws or regulations of the county.

Impoundment and disposal of property will be as follows:

- (a) Procedures for removal and storage of such Bicycles or SMDs shall be the same as prescribed for vehicles by Vehicle Code Section 22850, 22850.3, 22850.5, and 22852 except for:

- (1) Those provisions which by their nature can have no application to Bicycles or SMDs.
 - (2) Procedures prescribed in Section 9-4 supersede Vehicle Code Sections 22850 - 22854 as applicable.
- (b) Prior to removing a Bicycle or SMD that appears abandoned, notice shall be placed on the bicycle warning the owner of impoundment. Such notice shall be placed on a bicycle a minimum of forty-eight hours prior to impoundment.
 - (c) Notice of impoundment shall be given to the owner of any impounded Bicycle or SMD if the owner's name and address can be ascertained from any license, registration or other identification on the bicycle.
 - (d) The department may charge a reasonable fee for recovery of an impounded Bicycle or SMD to cover the costs of impoundment, storage, recordkeeping and other associated costs.
 - (e) Unclaimed Bicycles or SMDs may be disposed of as provided for in Chapter 2, Article IX of the County Code.
 - (f) Post-storage hearings, if requested per Vehicle Code 22852(4)(c), will be conducted by a hearing officer appointed by the sheriff.

Sec. 9-5.1. - Skateboard defined.

As used in this chapter, the term "skateboard" means and includes all wheeled objects regardless of motive power, not otherwise classified as a Bicycle or SMD, nor as a vehicle as defined in the California Vehicle Code and shall specifically include, but not be limited to, skateboards or any device resembling a skateboard, roller blades, roller skates, coasters, scooters and toy vehicles.

Sec. 9-5.2. - Skateboard use prohibited.

- (a) It shall be unlawful to ride, operate or propel a skateboard or to participate in any exhibition of skateboard operating skills on any public highways listed in section 9-5.2(b) and posted with a sign or notice prohibiting such use or on any private property designated for public use when the property has been posted by the owner or person in lawful possession of the premises with a sign or notice prohibiting such use. An appropriate sign of sufficient size to be visible to those entering the section of highways listed in section 9-5.2(b) or private property, identifying the prohibited activity and including a reference to this code, shall be posted. For private property only a notice which indicates "No Skateboards" or "No Skateboard Use" in letters at least one and one-half inches high and at least three-eighths inches in width, in a color which contrasts with the background against which they appear, and placed or positioned in full view of the entry to the area; or placed conspicuously within the area, visible from within the area where skateboards are prohibited, at least every sixty feet along the area prohibited, shall constitute proper notice under this section.

(b) It shall be unlawful to ride, operate, or propel a skateboard as defined in section 9-5.1 of this chapter for the following highways:

- SAN MARCOS ROAD, from 600 feet north of Via Parva to State Route 154.
- PAINTED CAVE ROAD, from State Route 154 to East Camino Cielo.
- GIBRALTAR ROAD, from City Limits of Santa Barbara to East Camino Cielo.

Sec. 9-6 –Shared Mobility Business

A shared mobility business shall obtained an encroachment permit as prescribed in Chapter 28 of this Code before the commencement of business or, if the business is in operation and an encroachment permit possessed, prior to the expiration of such permit. It is unlawful for any person to conduct, engage in, or operate a shared mobility business within the unincorporated area of the County, unless the County has issued such person or business an encroachment permit under this Code and the encroachment permit is in effect.

Sec. 9-7. - Violation—Penalty.

Any person violating the provisions of section 9-5 is guilty of an infraction and shall be punished as follows:

- (a) A fine not exceeding fifty dollars for a first violation;
- (b) A fine not exceeding one hundred dollars for a second violation within one year; and
- (c) A fine not exceeding two hundred dollars for each additional violation within one year.
- (d) Confiscation of the skateboard by the sheriff's department, returnable to the parent, if the person violating this provision is a minor, or to the person, if eighteen years of age or older, upon payment of the fine[s] set forth herein.
- (e) SMDs owned or operated by a shared mobility business without an encroachment permit from the County, prescribed in Chapter 28, to make encroachments is guilty of a misdemeanor and is liable to the County for all expenses and damages caused thereby. (Sts. & Hy. Code § 1460.)

SECTION 2: Publication and Effective Date

This ordinance shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage it, or a summary of it shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

(Signatures on following page)

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

By: _____
Deputy County Counsel