

ORDINANCE NO. 5076

AN ORDINANCE AMENDING TITLES 1, 9, 10 AND 12  
AND ADDING A NEW CHAPTER 10.26 TO  
THE EL CAJON MUNICIPAL CODE  
ADDRESSING DOCKLESS VEHICLES

WHEREAS, it is the intent of the El Cajon City Council to support and encourage alternative modes of transportation as well as to protect the safety and welfare of the general public through appropriate land use regulations to address dockless vehicles; and

WHEREAS, at the meeting of September 11, 2018, the City Council expressed its interest in modifying the City's land use regulations pertaining to dockless vehicles; and

WHEREAS, the City Council held a duly advertised public hearing on December 11, 2018, to consider amendments to Titles 9, 10 and 12, and the addition of Chapter 10.26 to the El Cajon Municipal Code ("ECMC") to regulate the ownership and operation of dockless vehicles; and

WHEREAS, at the public hearing the City Council received evidence through public testimony and comment in the form of verbal and written communications and reports prepared and presented, including (but not limited to) evidence such as the following:

- A. Based upon the record as a whole, the City Council hereby finds that the proposed amendments and addition to the ECMC, are exempt from CEQA pursuant to the "General Rule" that CEQA only applies to projects that have the potential for causing a significant physical effect on the environment, (CEQA Guidelines, section 15061(b)(3)). The proposed amendments are designed to protect the public health, safety and welfare and to ensure the use of land within the City does not negatively impact surrounding areas. Therefore, the proposed amendments do not warrant CEQA analysis because it does not increase development, and there are no potentially significant environmental effects.
- B. The proposed amendments and addition to the ECMC are compatible with the objectives, policies, general land uses, and programs specified in the General Plan, because they establish the standards for the utilization, maintenance and operations of dockless vehicles within the city limits. Goal 6 of the General Plan states the City is "to create a circulation system including all modes of transportation organized to ensure the safe, efficient movement of people and goods." By addressing the activity of dockless vehicles in the proposed amendments and addition to the ECMC, the City is able to properly allow the use of dockless vehicles which serves as an alternative mode of transportation but ensures the health and safety of the community at-large.

- C. The proposed amendments and addition to the ECMC are applicable citywide. No zone changes are proposed as part of this project, and thus the proposed changes do not conflict with specific plans.
- D. The proposed amendments and addition to the ECMC are necessary to address the issue of dockless vehicles in the City to ensure the general welfare.

WHEREAS, after considering such evidence and facts the City Council did consider amendments and addition to the ECMC as presented at its meeting.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1: That the foregoing recitals are true and correct, and are findings of fact of the El Cajon City Council in regard to amendments to the El Cajon Municipal Code.

SECTION 2: Subsection (A) of section 1.24.010 of Chapter 1.24 of Title 1 is hereby repealed.

SECTION 3: A new subsection (A) is added to section 1.24 of Chapter 1.24 of Title 1 to read as follows:

- A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this code shall constitute a misdemeanor except that notwithstanding any other provisions of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the attorney having prosecutorial functions, be charged and prosecuted as an infraction; and with the further exception that any violation of the provisions relating to parking, operation of bicycles, operation of dockless vehicles, operation of motor vehicles, and use of freeways, highways and streets by animals, bicycles, dockless vehicles, motor vehicles or pedestrians shall constitute an infraction.

SECTION 4: Sections 9.42.010, 9.42.020, 9.42.030, 9.42.040, 9.42.050, 9.42.060, and 9.42.070 of Chapter 9.42 of Title 9 of the El Cajon Municipal Code are hereby repealed.

SECTION 5: New sections 9.42.010, 9.42.020, 9.42.030, 9.42.040, 9.42.050, 9.42.060, and 9.42.070 are hereby added to the El Cajon Municipal Code Chapter 9.42 of Title 9 to read as follows:

## **Chapter 9.42 BICYCLING, DOCKLESS VEHICLES, AND SKATEBOARDING— PROHIBITIONS**

### **9.42.010 Purpose and scope.**

The purpose of this chapter is to preserve the public health, safety and welfare within the city. It is the finding of this legislative body that pervasive bicycle, scooter, and skateboarding within the city presents a significant threat to the peace, health and safety of the community. For this reason it is the intent of this legislative body to limit such activity. It is not the intent of this legislative body to limit the private enjoyment of such activity where it is safe to do so.

The provisions of this chapter do not prohibit the possession of bicycles, scooters, or skateboards if not ridden.

Nothing in this chapter shall prohibit the use of wheeled devices by physically disabled persons.

### **9.42.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Bicycle" means any device upon which a person may ride which is propelled by human power through a system of belts, chains or gears, and which has one or more wheels.

"Dockless vehicle" means:

- A. Any wheeled device, other than an automobile or motorcycle, that is powered by a person or motor;
- B. Accessed via an on-demand portal, whether a smartphone application, membership card, or similar method;
- C. Owned by a private entity that owns, manages, and maintains devices for shared use by members of the public without a physical dispatching location within the City; and
- D. Available at unstaffed, self-service locations, to members of the public for their personal operation.

"Expanded Civic Center" means the areas of El Cajon City known as City Hall, East County Regional Center, East County Performing Arts Center, Library, Community Center and Fire Facility Headquarters Complex, more particularly described as follows:

Lots 1 through 5, inclusive of Superblock Phase II in the city of El Cajon, county of San Diego, state of California, according to Map thereof No. 9458, filed in the office of the recorder of said county February 6, 1980. Together with Lot I of El Cajon

Civic Center in the city of El Cajon, county of San Diego, state of California, according to Map thereof No. 8071 filed in the office of the recorder of said county February 14, 1975; and Blocks 4 and 5 of Map of El Cajon City, Map No. 597, filed in the office of the recorder of San Diego County, California, on April 28, 1886. Together with that portion of Highland Avenue between Douglas Avenue and Lexington Avenue closed by the El Cajon city council on February 3, 1987, Resolution No. 46-87.

"Public parking lot" means any publicly owned, operated or maintained parking lot, parking facility, sidewalk, walkway, path, ramp, bridge, plaza, mall, trolley station, quadrangle or patio. This does not prohibit the responsible operation of skateboards and roller skates within areas of city parks as designated and posted for such use by the department of recreation.

"Ride" means move, not move, or travel at any speed while supported by a device.

"Scooter" means a foot-operated vehicle consisting of a narrow board of wood, metal, plastic, fiberglass, or other material, and having two or more wheels tandem with an upright steering handle attached to the board or the front wheels.

"Skateboard" means any toy or device upon which a person may ride standing or sitting, which coasts, glides, or is propelled by human power, which is a board or other surface mounted on one or more wheels.

"Skatepark" means a facility owned, operated or managed by the city of El Cajon, designed specifically to accommodate skateboarding and in-line skating, where skating rules and hours are posted, and are specifically located at Kennedy Skatepark and Renette Plaza.

**9.42.030 Bicycle, scooter, dockless vehicles, or skateboarding prohibited within the Expanded Civic Center area.**

It is unlawful for any person to ride a skateboard, scooter or dockless vehicle within any public facility or upon any public grounds in the Expanded Civic Center area or the public property between Main Street and Douglas Avenue, including that area commonly referred to as the Prescott Promenade. It is unlawful for any person to ride a bicycle in the Expanded Civic Center area of the public property between Main Street and Douglas Avenue, including the area commonly referred to as the Prescott Promenade, unless upon a bike path, alley, street or highway.

**9.42.040 Skateboarding—Prohibition—Locations.**

- A. The riding of any skateboard is prohibited upon or across any publicly owned, operated or maintained sidewalk, curb, bike path, alley, street or highway along:
  - 1. Main Street from Chambers to Ballantyne Street; or

2. Magnolia Avenue from Lexington Avenue to Madison Avenue.

- B. The riding of any skateboard is also prohibited upon or across any privately owned, operated or maintained parking lot, parking facility, sidewalk, walkway, path, ramp, bridge, plaza, mall, quadrangle or patio which is held open to the public and which has been posted to prohibit skateboarding.

**9.42.050 Right-of-way.**

- A. It is unlawful for any person who is riding a skateboard, to fail to yield the right-of-way to all pedestrians within or approaching the area.
- B. It is unlawful for any person who is riding a skateboard, while upon a public street, including the sidewalk or alley, to interfere with the movement of vehicles thereon.

**9.42.060 Ramps prohibited.**

- A. It is unlawful for any person to use, construct or place upon any public property a ramp, jump, platform, or similar device intended for use by a person riding a bicycle, skateboard, or similar wheeled device.
- B. The costs incurred by the city in removing a ramp, jump, platform, or similar device placed contrary to this section shall be a charge imposed upon and payable by the individual violating this section. If the individual violating this section is a minor, then the charge shall be imposed against the individual's custodial parent, parents or guardians.

**9.42.070 Fines for violation.**

A violation of this chapter is an infraction punishable by:

- A. A fine not exceeding twenty-five dollars, for a first offense;
- B. A fine not exceeding fifty dollars for a second violation of this chapter within one year; or
- C. A fine not exceeding one hundred dollars for a third and each additional violation of this chapter within one year.

SECTION 6: Section 10.04.100 of Chapter 10.04 of Title 10 of the El Cajon Municipal Code is hereby repealed.

SECTION 7: A new section 10.04.100 is hereby added to Chapter 10.04 of Title 10 of the El Cajon Municipal Code to read as follows:

**10.04.100 Pedestrian defined.**

"Pedestrian" means any person who is afoot.

SECTION 8: Section 10.08.010 of Chapter 10.08 of Title 10 of the El Cajon Municipal Code is hereby repealed.

SECTION 9: A new section 10.08.010 is hereby added to Chapter 10.08 of Title 10 of the El Cajon Municipal Code to read as follows:

**Chapter 10.08 General Provisions.**

**10.08.010 Applicability to persons riding bicycles and animals.**

Every person riding a bicycle, dockless vehicle, 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 Chapters 10.04 through 10.32, except those provisions which by their very nature can have no application.

SECTION 10: Chapter 10.26 is hereby added to Title 10 of the El Cajon Municipal Code to read as follows:

**Chapter 10.26 Operation of Dockless Vehicles.**

**10.26.010 Definition**

"Dockless vehicle" means:

- A. Any wheeled device, other than an automobile or motorcycle, that is powered by a motor;
- B. Accessed via an on-demand portal, whether a smartphone application, membership card, or similar method;
- C. Owned by a private entity that owns, manages, and maintains devices for shared use by members of the public without a physical dispatching location within the City; and
- D. Available at unstaffed, self-service locations, to members of the public for their personal operation.

**10.26.020 Regulation of dockless vehicles.**

It is unlawful for any person to provide any dockless vehicle for rent or lease in the city, unless that person complies with all of the following:

- A. Enters into an agreement with the City regarding the operation, maintenance, and storage of dockless vehicles; including a requirement for

a security deposit to ensure timely retrieval of dockless vehicles and a process for reimbursement of the cost of staff time expended for removal of dockless vehicles blocking the right of way or pedestrian paths;

- B. Obtains a business license;
- C. Provides proof of insurance to the satisfaction of the risk manager; and
- D. Ensures that all dockless vehicles:
  - 1. Are labeled with the company logo;
  - 2. Have a unique serial number; and
  - 3. Are labeled with a 24-hour customer service number.

**10.26.030 Abandoned dockless vehicle.**

Any dockless vehicle that is left on City property for a period of 72 consecutive hours or longer shall be deemed abandoned property and may be impounded by the City. This does not apply to dockless vehicles parked legally in City-owned dockless vehicle lockers or to dockless vehicles parked legally in any other areas designated by the City for long-term dockless vehicle parking.

**10.26.040 Parking on street rights-of-way.**

No person shall lay a dockless vehicle down on any street, alley or park a dockless vehicle upon any public street, alley or sidewalk in this City in such a position as to interfere with the safety or movement of traffic, including vehicles and pedestrians, or to interfere with the use of the public right-of-way by vehicles or pedestrians.

**10.26.050 Dockless vehicles prohibited on sidewalk.**

It is unlawful for any person to ride or operate a dockless vehicle upon a sidewalk. This section does not prohibit a person from walking beside and guiding a dockless vehicle on a sidewalk.

**10.26.060 Use of dockless vehicles by minors.**

It is unlawful for any parent or guardian of a minor, or any person having custody or control of a minor, to knowingly permit such minor to use or operate a dockless vehicle in the city in violation of the terms and provisions of this code.

**10.26.070 Schedule of fines.**

A violation of this chapter is an infraction punishable as set forth in section 1.24.010 of this code.

SECTION 11: A new section 12.08.100 of Chapter 12.08 of Title 12 of the El Cajon Municipal Code is hereby repealed.

SECTION 12: Section 12.08.100 is hereby added to Chapter 12.08 of Title 12 of the El Cajon Municipal Code to read as follows:

**12.08.100 Riding Dockless Vehicles upon public sidewalk prohibited.**

No person shall ride a dockless vehicle as defined in chapter 10.26 upon any public sidewalk within the city.

SECTION 13: Section 12.08.030 of Chapter 12.08 of the Title 12 of the El Cajon Municipal Code is hereby repealed.

Dockless Vehicles Ord (rev ECMC Titles 1, 9, 10 & 12) 120718

12/11/18 CC Agenda – 1<sup>st</sup> Reading  
01/08/19 CC Agenda – 2<sup>nd</sup> Reading