

ORDINANCE NUMBER O- 21170 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 3, 0 2020

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 83.0308 RELATED TO GEOFENCING REQUIREMENTS FOR SHARED MOBILITY DEVICE OPERATORS; AND AMENDING CHAPTER 8, ARTICLE 4, DIVISION 0 BY ADDING A NEW SECTION 84.18, RELATED TO PROHIBITING THE OPERATION OF ALL MOTORIZED TRANSPORTATION DEVICES ON THE BOARDWALK IN MISSION BEACH AND PACIFIC BEACH, MISSION BAY PARK BAYSIDE WALK, AND LA JOLLA SHORES BOARDWALK.

WHEREAS, the City's Boardwalk from Mission Beach to Pacific Beach, Mission Bay Park Bayside Walk, and La Jolla Shores Boardwalk (Boardwalks) constitute major tourist attractions all year-round with nearly 17 million visitors annually; and

WHEREAS, due to the influx of shared mobility device rental companies into the City, there has been a significant increase in the use of motorized transportation devices such as electric scooters operating in these areas; and

WHEREAS, motorized transportation devices create significant public safety hazards on the Boardwalks due to the combination of high-density crowds of pedestrians and the volume of motorized transportation devices operating at high speeds; and

WHEREAS, the City's shared mobility device regulations went into effect on July 1, 2019, requiring shared mobility device operators to geofence the Boardwalks to reduce speeds to 8 miles per hour; and

WHEREAS, despite the regulations, accidents and severe injuries are still occurring on the Boardwalks; and

WHEREAS, it has become necessary to ban all motorized transportation devices from the Boardwalks in order to protect pedestrians and ensure public safety; and

WHEREAS, the geofencing requirements for the Boardwalks will be reduced to three (3) miles per hour to effectuate the ban by providing users with the ability to move shared mobility devices outside of the prohibited areas and to ensure that rides are ended safely once a user enters a Boardwalk area; and

WHEREAS, California Vehicle Code section 21225 permits the City, by ordinance, to regulate the registration, parking and operation of motorized scooters on pedestrian and bicycle facilities and City streets and highways, if the regulations do not conflict with the California Vehicle Code; and

WHEREAS, California Vehicle Code section 21230 permits the City, by ordinance, to prohibit the operation of motorized scooters over a bicycle path, trail, or bikeway within its jurisdiction; and

WHEREAS, the City intends to prohibit all such motorized transportation devices, including but not limited to scooters, from its Boardwalks; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 8, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 83.0308, to read as follows:

§ 83.0308 Geofencing Speed and Operating Restrictions

- (a) [No change in text.]
- (b) Through *geofencing* or similar technology, an *operator* shall prevent any *motorized scooters* and *motorized bicycles* in the *operator's fleet* from

being locked, parked, or ending a ride, and shall reduce the speed of its *motorized scooters* and *motorized bicycles* to eight miles per hour on the public right-of-way within the Petco Ballpark Zone, as defined in Chapter 8, Article 3, Division 1 of this Code.

- (c) To effectuate the ban on the operation of *motorized transportation devices* on the City's boardwalks and baywalks pursuant to Municipal Code section 84.18, an *operator* shall, through *geofencing* or similar technology, prevent any *motorized scooters* and *motorized bicycles* in the *operator's fleet* from being locked, parked, or ending a ride, and shall reduce the speed of any *motorized scooters* and *motorized bicycles* in its *fleet* to a maximum of three miles per hour at the following locations:

- (1) *Martin Luther King Promenade*, as defined in Chapter 8, Article 3, Division 1 of this Code;
- (2) North and South Embarcadero pedestrian walk;
- (3) The pedestrian area on West Date Street east of India Street and west of Columbia Street, known as the Piazza della Famiglia;
- (4) on the public walkway on Ocean Front Walk in Mission Beach, beginning at the South Mission Beach Jetty northward to the terminus of the public walkway at Ocean Boulevard at Law Street in Pacific Beach;
- (5) on the public walkway on the west side of Mission Bay Park from San Diego Place (adjacent to the South Mission Beach Jetty) to

Corona Oriente Road (terminus of Crown Point Park), known as Bayside Walk;

(6) on the public walkway on the east side of Mission Bay Park from De Anza Road southward to the South Shores Boat Launch and Park; and

(7) on the boardwalk from Avenida De La Playa (adjacent to La Jolla Shores) north to the terminus of La Jolla Shores Park at its northeast corner.

(d) The City Manager may adopt additional locations subject to *geofencing* or similar technology consistent with section 83.0308(a), or section 83.0308(b), section 83.0308(c).

(e) through (f) [No change in text.]

Section 2. That Chapter 8, Article 4, Division 0 of the San Diego Municipal Code is amended by adding new section 84.18, to read as follows:

§84.18 Operation of Motorized Transportation Devices on Boardwalks Prohibited

(a) *Motorized transportation device* means any motorized device used for personal transportation, whether rented or owned. *Motorized transportation device* includes: *shared mobility devices, electric bicycles, motorized bicycles, and motorized scooters* as defined in section 83.0302; *electric personal assistive mobility devices* as defined in section 83.0402; and any other motorized device that state law permits local agencies to regulate, except motorized devices used to assist a physically disabled person.

- (b) It is unlawful for any *person* to operate any *motorized transportation device* in the following locations:
- (1) on the public walkway on Ocean Front Walk in Mission Beach, beginning at the South Mission Beach Jetty northward to the terminus of the public walkway at Ocean Boulevard at Law Street in Pacific Beach;
 - (2) on the public walkway on the west side of Mission Bay Park from San Diego Place (adjacent to the South Mission Beach Jetty) to Corona Oriente Road (terminus of Crown Point Park), known as Bayside Walk;
 - (3) on the public walkway on the east side of Mission Bay Park from De Anza Road southward to the South Shores Boat Launch and Park; and
 - (4) on the boardwalk from Avenida De La Playa (adjacent to La Jolla Shores) north to the terminus of Kellogg Park at its northeast corner.
- (c) The prohibition in section 84.18 shall not apply to any physically disabled person using a *motorized transportation device* in these locations.
- (d) The prohibition in section 84.18 shall not apply to any employee, agent, or officer of the City while engaging in law enforcement activities.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Ryan P. Gerrity
Deputy City Attorney

RPG:cw:jvg:cw
11/26/19
Or.Dept: District 1
CC No.: N/A
Doc. No.: 2184098_2

I certify that this Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 28 2020.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 1-30-2020

(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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§ 83.0308 Geofencing Speed and Operating Restrictions

- (a) [No change in text.]
- (b) Through *geofencing* or similar technology, an *operator* shall prevent any *motorized scooters* and *motorized bicycles* in the *operator's fleet* from being locked, parked, or ending a ride, and shall reduce the speed of its *motorized scooters* and *motorized bicycles* to eight miles per hour at the following locations:
 - (1) ~~on the public walkway on Ocean Front Walk in Mission Beach, beginning at the South Mission Beach Jetty northward to the terminus of the public walkway at Ocean Boulevard at Law Street in Pacific Beach;~~
 - (2) ~~on the public walkway on the west side of Mission Bay Park from San Diego Place (adjacent to the South Mission Beach Jetty) to Corona Oriente Road (terminus of Crown Point Park), known as Bayside Walk;~~

- (3) ~~on the public walkway on the east side of Mission Bay Park from De Anza Road southward to the South Shores Boat Launch and Park;~~
 - (4) ~~on the boardwalk from Avenida De La Playa (adjacent to La Jolla Shores) north to the terminus of La Jolla Shores Park at its northeast corner; and~~
 - (5) on the public right-of-way within the Petco Ballpark Zone, as defined in Chapter 8, Article 3, Division 1 of this Code.
- (c) To effectuate the ban on the operation of motorized transportation devices on the City's boardwalks and baywalks pursuant to Municipal Code section 84.18, an operator shall, through geofencing or similar technology, prevent any motorized scooters and motorized bicycles in the operator's fleet from being locked, parked, or ending a ride, and shall reduce the speed of any motorized scooters and motorized bicycles in its fleet to a maximum of three miles per hour at the following locations:
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(e) through (f) [No change in text.]

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- (b) It is unlawful for any person to operate any motorized transportation device in the following locations:
- (1) on the public walkway on Ocean Front Walk in Mission Beach, beginning at the South Mission Beach Jetty northward to the terminus of the public walkway at Ocean Boulevard at Law Street in Pacific Beach;
 - (2) on the public walkway on the west side of Mission Bay Park from San Diego Place (adjacent to the South Mission Beach Jetty) to Corona Oriente Road (terminus of Crown Point Park), known as Bayside Walk;
 - (3) on the public walkway on the east side of Mission Bay Park from De Anza Road southward to the South Shores Boat Launch and Park; and
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- (c) The prohibition in section 84.18 shall not apply to any physically disabled person using a motorized transportation device in these locations.
- (d) The prohibition in section 84.18 shall not apply to any employee, agent, or officer of the City while engaging in law enforcement activities.

RPG:cw:jvg:cw
11/26/19
Or.Dept: District 1
CC No.: N/A
Doc. No.: 2079001_4

Passed by the Council of The City of San Diego on JAN 28 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 30 2020

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 16 2019, and on JAN 30 2020

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21170</u></p>
