

ORDINANCE NO. ORD-2022-005

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA TO AMEND SANTA ROSA CITY CODE TITLE 9 - HEALTH AND SAFETY CODE CHAPTER 9-22, BICYCLES, SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, AND SIMILAR DEVICES TO ALLOW SCOOTERS TO OPERATE ON PUBLIC STREETS, PUBLIC ALLEYS, AND PUBLIC GUTTERS DURING THE CITY COUNCIL APPROVED SHARED SCOOTER SYSTEM PILOT PROGRAM

WHEREAS, in 1996 and 2001, the City Council adopted ordinances 3249 and 3516, respectively prohibiting skating activities and scooters on sidewalks and streets within the specified downtown area, the specified Railroad Square area, in shopping centers and other specified areas of public property; and

WHEREAS, on December 14, 2021, the City Council, by Resolution No. RES-2021-232, approved the City of Santa Rosa's Shared Scooter System Pilot Program and authorized the Assistant City Manager or Director of Transportation and Public Works or designee to modify permit conditions, issue and/or revoke permits, and/or limit and/or suspend the operation of a shared scooter system; and

WHEREAS, the project includes an amendment to the Santa Rosa City Code, Title 9 - Health and Safety Code Chapter 9-22 to allow for the shared scooter system pilot program approved by the City Council on December 14, 2021; and

WHEREAS, the operations of the shared scooter system pilot program would be consistent with state law; and

WHEREAS, adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities, and CEQA Guidelines Section 15183, Projects Consistent with a Community Plan, General Plan or Zoning. Specifically, the project consists of the continued operation of the existing street network with a negligible expansion of use. In addition, the project implements the City's General Plan by providing alternative modes of transportation, furthering connectivity and greenhouse gas reduction goals and policies.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

The City Council finds, based on evidence and records presented, that amending Chapter 9-22, Bicycles, Skateboards, Roller Skates, In-Line Skates, And Similar Devices of the Santa Rosa City Code to allow scooters to operate on public streets, public alleys, and public gutters is necessary to align with the City Council approved shared scooter system pilot program; and

Section 9-22.020 of Chapter 9-20 of the Santa Rosa City Code is amended to read as follows:

“9-22.020 Prohibition.

(A) No person shall ride, propel, or in any manner operate a skateboard, scooter,

roller skate, in line skate, or similar self-propelled device upon any public street, public sidewalk, public alley, or public gutter located within the specified downtown area or specified Railroad Square area; or on, along, or over any pedestrian walkway, privately owned roadway or parking area situated within a shopping center located anywhere within the City limits; or upon any specified public property which has a sign posted prohibiting such activity on said specified public property.

(B) No person shall ride a bicycle upon any public sidewalk in the specified downtown area, the specified Railroad Square area or other specified public property, or on any pedestrian walkway situated within a shopping center located anywhere within the City limits.

(C) This prohibition shall not apply to peace officers riding bicycles during the course and scope of their duties.

(D) This prohibition shall not apply to scooters operating on public streets, public alleys, and public gutters for the duration of the Shared Scooter System Pilot Program approved by City Council Resolution No. RES-2021-232.”

Section 9-22.040 of Chapter 9-22 of the Santa Rosa City Code is amended to read as follows:

“9-22.040 Definitions.

The following definitions apply to the provisions of this chapter:

(A) “Pedestrian walkway” means that area of a shopping center which is open to the general public exclusively for persons who are walking or otherwise afoot or in wheelchairs.

(B) “Privately owned roadways and parking areas” means those areas of a shopping center which are open to the general public for vehicular traffic and parking, and for persons who are walking or otherwise afoot or in wheelchairs.

(C) “Roller skate” or “in-line skate” means a shoe or similar device worn on the foot that has wheels or a cylindrical device affixed to its sole and which would enable the wearer to skate or propel oneself in sidewalks, gutters, streets, or hard surfaces.

(D) “Scooter” means a platform or footboard mounted between two wheels controlled by an upright steering handle and which is propelled by human or motorized power.

(E) “Shopping center” means the privately owned real property upon which a business/commercial development is situated, which development is open to the general public and primarily devoted to retail sales and services from shops and stores situated therein, although it may also contain some offices and eating places, as well as other accessory uses compatible with a retail sales shopping area.

(F) “Sidewalk” and “street” mean any public sidewalk or street with the specified downtown area, specified Railroad Square Area or other specified public property.

(G) “Skateboard” means a mechanism on wheels, often resembling wheels on roller skates, which are fastened to a platform, commonly constructed to accommodate a standing person. Skateboards are normally propelled by the operator pushing off the ground with one foot or by force of gravity.

(H) “Specified downtown area” means that area, which is bound on the east by, and includes, the west sidewalk of E street, between 5th Street and Sonoma Avenue, and along the east sidewalk of Mendocino Avenue between 7th and 5th Streets. It is bound on the south by, and includes, the north sidewalk of Sonoma Avenue between E street and Santa Rosa Avenue,

and along the south sidewalk of 1st Street between B Street and Santa Rosa Avenue. It is bound on the west by and includes the west sidewalk of B Street between 7th and Sonoma Avenue. It is bound on the north by, and includes, the north sidewalk of 5th Street between B Street and Mendocino Avenue, and along the north sidewalk of 5th Street between Mendocino Avenue and E Street.

(I) "Specified Railroad Square area" means the area bound on the east by and includes the east sidewalk of Davis Street between 5th and 3rd Streets. It is bound on the south by, and includes, the north sidewalk of 3rd Street, between Davis Street and the railroad tracks. It is bound on the north by and includes the north sidewalk of 5th Street between Davis Street and the railroad tracks. The western boundary is the railroad tracks between 5th and 3rd Streets.

(J) "Specified Public Property" means such public property owned by the City, or a portion thereof, to which Section 99-22.020 has been made applicable by following the procedures set forth in Section 99-22.030."

This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on April 12, 2022.

IN COUNCIL DULY PASSED AND ADOPTED this 26th day of April, 2022.

AYES: (5) Vice Mayor Alvarez, Council Members MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (2) Mayor C. Rogers, Council Member Fleming

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Vice Mayor

APPROVED AS TO FORM: _____
City Attorney