

[Transportation, Public Works Codes - Unauthorized ~~Motorized~~Powered Scooter Violations, ~~Motorized~~Powered Scooter Share Program]

Ordinance amending Division I of the Transportation Code to establish a violation for ~~motorized~~ Powered ~~s~~Scooters that are a part of a ~~Motorized~~Powered Scooter Share Program, to be parked, left standing, or left unattended on a sidewalk, street, or public right-of-way under the jurisdiction of the Municipal Transportation Agency (MTA) or Department of Public Works (DPW) without an MTA-issued permit authorizing the scooter to be parked, left standing, or left unattended at that location; amending the Public Works Code to authorize DPW to take enforcement action to abate or remove unauthorized ~~motorized~~Powered ~~s~~Scooters that are not a part of a permitted ~~Motorized~~Powered Scooter Share Program and are parked, left standing, or left unattended on a sidewalk, street, or public right-of-way under the jurisdiction of DPW or the MTA; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

Supervisors in File No. 180214 and is incorporated herein by reference. The Board affirms this determination.

(b) The San Francisco General Plan's Transit-First Policy recognizes that decisions regarding the use of limited public street and sidewalk space shall encourage the use of public right-of-ways by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety. The proliferation of ~~Motorized~~Powered Scooter Share Programs, which include ~~motorized~~Powered ~~s~~Scooters that can be secured without being locked to a fixed object, has the potential to cause obstructions of public right-of-ways and, in the absence of sufficient education as to existing laws, cause a myriad of other safety hazards for both users of ~~Motorized~~Powered Scooters as well as members of the public more generally. The Administrative Code defines a "public nuisance" as any "thing or condition, including but not limited to violations of the Municipal Code or State law, that threatens injury or damage to the health, safety, welfare, or property of members of the public, that obstructs the free use of property of others or of the public right-of-way or commons, or otherwise interferes with the comfortable enjoyment of life or property." Admin. Code § 80.4(d)(1). The City seeks to regulate ~~Motorized~~Powered Scooter Share Programs to ensure that public right-of-ways and Public Property remain free of public nuisances, safe and accessible for all users, and clear of obstructions that pose threats to public health, safety, and welfare, and to ensure that ~~Motorized~~Powered Scooter Share Programs comply with State and City regulations that inure to the public's health, safety, and welfare.

Section 2. Division I of the Transportation Code, Article 7, is hereby amended by revising the heading "Bicycle Violations" preceding Section 7.2.110 and adding Section 7.2.111 following Section 7.2.110, to read as follows:

BICYCLES SHARED MOBILITY SERVICES VEHICLE VIOLATIONS

1 * * * *

2 **SEC. 7.2.111. ~~MOTORIZED~~POWERED SCOOTER SHARE PARKING RESTRICTIONS.**

3 *(a) To park, leave standing, or leave unattended a ~~motorized~~Powered Scooter that is part of*
4 *a ~~Motorized~~Powered Scooter Share Program, on any sidewalk, Street, or public right-of-way under*
5 *the jurisdiction of the Municipal Transportation Agency or the Department of Public Works without a*
6 *permit issued by the Municipal Transportation Agency authorizing the ~~motorized~~Powered Scooter*
7 *to be parked, left standing, or left unattended at that location. ~~Motorized~~Powered Scooters parked,*
8 *left standing, or left unattended in violation of this Section 7.2.111 constitute a public nuisance subject*
9 *to abatement and removal pursuant to Article 26 of the Public Works Code, Sections 1600 et seq. For*
10 *purposes of this Section 7.2.11, "Powered Scooter" shall mean a "motorized scooter" as*
11 *defined in Section 407.5 of the California Vehicle Code as it read on April 1, 2018, and any*
12 *vehicle defined as a "Powered Scooter" under Division II of the Transportation Code.*

13 *(b) In addition to any penalty established by the Municipal Transportation Agency in*
14 *Transportation Code Section 302, the Municipal Transportation Agency may impose administrative*
15 *penalties for violation of ~~Motorized~~Powered Scooter Share Program permit requirements.*

16
17 Section 3. The Public Works Code is hereby amended by revising Sections 1603 and
18 1605, to read as follows:

19 **SEC. 1603. PROHIBITED DUMPING ACTIVITY.**

20 (a) It shall be prohibited for any Person to deposit, leave, place, keep, maintain, or
21 abandon, Debris and Waste Construction Materials, industrial materials, or more than 100
22 pounds total of any other waste, refuse, or debris, ~~motorized~~Powered Scooters, as defined in
23 the Transportation Code, that are part of a ~~Motorized~~Powered Scooter Share Program, or
24 bicycles that are part of a Stationless Bicycle Share Program, on any Public Property without
25 the lawful and express written permission of the City and County of San Francisco.

1 (b) Any activity or action that violates this Article 26 shall be, and is hereby
2 declared, a public nuisance.

3 (c) Nothing in this Article 26 shall be construed to authorize or allow any Person to
4 deposit, leave, place, keep, maintain, or abandon, any other property or materials, in any
5 amount, on any Public Property without the lawful and express written permission of the City
6 and County of San Francisco, other than to deposit trash in an appropriate designated
7 receptacle.

8
9 **SEC. 1605. ENFORCEMENT – INJUNCTIVE RELIEF, CIVIL PENALTIES, COSTS,**
10 **AND ATTORNEYS' FEES.**

11 * * * *

12 (c) In any civil court action brought by the City Attorney to enforce this Article 26 in
13 which the City succeeds in obtaining any order from the Court, the City shall be entitled to
14 recover from any and all Responsible Parties all of its costs of investigation, enforcement,
15 abatement, and litigation.

16 (1) The City shall be entitled to recover civil penalties from each and every
17 Responsible Party in an amount that is not less than twice the amount it cost the City to abate
18 the nuisance. Costs to the City to abate the nuisance shall include any personnel, equipment,
19 and other charges incurred by the City related to the investigation, abatement, clean-up,
20 removal, and/or containment of Debris and Waste Construction Materials, industrial materials,
21 or more than 100 pounds of any other waste, refuse, or debris, ~~motorized~~ Powered Scooters,
22 as defined in the Transportation Code, that are part of a Motorized Powered Scooter Share
23 Program, or bicycles that are part of a Stationless Bicycle Share Program, dumped on Public
24 Property. This civil penalties provision is designed to compensate the City for any costs it
25 incurred to investigate and abate the unlawful acts of any Responsible Party and for the

1 ancillary health hazards and inconveniences caused to the City and its residents, rights of way
2 blocked, traffic delays or detours, and any personal or business difficulties suffered from the
3 maintenance of illegally dumped materials on Public Property.


4 * * * *

5
6 Section 4. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor's veto of the ordinance.

10
11 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
15 additions, and Board amendment deletions in accordance with the "Note" that appears under
16 the official title of the ordinance.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By:


21 DAVID A. GREENBURG
22 Deputy City Attorney

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24
25



City and County of San Francisco

Tails

Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 180214

Date Passed: April 24, 2018

Ordinance amending Division I of the Transportation Code to establish a violation for Powered Scooters that are a part of a Powered Scooter Share Program, to be parked, left standing, or left unattended on a sidewalk, street, or public right-of-way under the jurisdiction of the Municipal Transportation Agency (MTA) or Department of Public Works (DPW) without an MTA-issued permit authorizing the scooter to be parked, left standing, or left unattended at that location; amending the Public Works Code to authorize DPW to take enforcement action to abate or remove unauthorized Powered Scooters that are not a part of a permitted Powered Scooter Share Program and are parked, left standing, or left unattended on a sidewalk, street, or public right-of-way under the jurisdiction of DPW or the MTA; and affirming the Planning Department's determination under the California Environmental Quality Act.

April 16, 2018 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

April 16, 2018 Land Use and Transportation Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

April 17, 2018 Board of Supervisors - PASSED ON FIRST READING

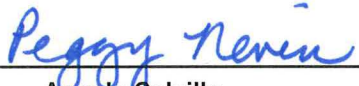
Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

April 24, 2018 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang and Yee

File No. 180214

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
4/24/2018 by the Board of Supervisors of
the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board


Mark E. Farrell
Mayor


Date Approved