

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF REPEALING THE MUNICIPAL) ORDINANCE 22-04
CODE, CHAPTER 16 MOPED RENTALS OF TITLE 5)
BUSINESS TAXES, LICENSES AND REGULATIONS,)
AMENDING CHAPTER 8, TRAFFIC AND PARKING
AND TITLE 10 VEHICLES AND TRAFFIC

WHEREAS, the Cannon Beach Comprehensive Plan has ten guiding policies regarding Transportation, ranging from the Highway 101 corridor and bus service, to working with ODOT and local planning efforts so that, “The city will continue to emphasize the use of land-use techniques and appropriate pedestrian, bicycle and transit improvements as a means of reducing the demand for motor vehicle trips;” and

WHEREAS, the Cannon Beach Comprehensive Plan provides transportation policy guidance for the City to work with the Oregon Department of Transportation to coordinate plans and projects; and

WHEREAS, Oregon Statewide Planning Goal 12, Transportation, requires all local governments to “provide and encourage a safe, convenient and economic transportation system” through a specific element within their Comprehensive Plans; and

WHEREAS, the Cannon Beach Transportation System Plan community outreach provided overwhelming public support to prohibit rental operations of emerging mobility devices in the City; and

WHEREAS, the Cannon Beach Municipal Code grants the City power to limit moped rentals, it does not extend to emerging mobility devices; and

WHEREAS, the Cannon Beach Comprehensive Plan directs the City to manage the City’s rights-of-ways to provide safe access throughout the City; and

WHEREAS, the Cannon Beach Common Council, held a work session on June 14th to consider a draft of the Emerging Mobility Devices Ordinance.

NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS, THE COMMON COUNCIL OF THE CITY OF CANNON BEACH REPEALS CHAPTER 16 MOPED RENTALS OF TITLE 5 BUSINESS TAXES, LICENSES AND REGULATION, AMENDS CHAPTER 8 TRAFFIC AND PARKING AND CHAPTER 12 BICYCLES AND SKATEBOARDS OF TITLE 10 VEHICLES AND TRAFFIC OF THE CANNON BEACH MUNICIPAL CODE, AS FOLLOWS:

SECTION 1

REPEAL OF CHAPTER 16 MOPED RENTALS OF TITLE 5 BUSINESS TAXES, LICENSES AND REGULATIONS

5.16.010 Definitions.

~~————The following words and phrases as used in this chapter shall have the meanings given.~~

~~“Moped” means a vehicle, including any bicycle equipped with a power source that complies with all of the following:~~

- ~~1. It is designed to be operated on the ground upon wheels;~~
- ~~2. It has a seat or saddle for use of the rider;~~
- ~~3. It is designed to travel with not more than three wheels in contact with the ground;~~
- ~~4. It is equipped with an independent power source that:~~
 - ~~a. Is capable of propelling the vehicle, unassisted, at a speed of not more than thirty miles per hour on a level road surface, and~~
 - ~~b. If the power source is a combustion engine, has a piston or rotor displacement of 3.05 cubic inches or less or fifty cubic centimeters or less regardless of the number of chambers in the power source;~~
- ~~5. It is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the system is engaged.~~

5.16.020 Rental period.

~~It is unlawful for a person to rent mopeds for periods of less than twenty-four hours for use and operation within the city.~~

5.16.030 Violation—Penalty.

~~A person violating the provisions of this chapter shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars. A violation is considered a separate offense for each day the violation continues. A violation shall also be grounds for revocation of the violator’s business license.~~

SECTION 2

AMENDMENTS OF 8 TRAFFIC AND PARKING OF TITLE 10 VEHICLES AND TRAFFIC AS FOLLOWS

10.08.010 Definitions.

In addition to definitions in the Oregon Vehicle Code, the following words and phrases have the meanings set forth in this section:

“Boot” means a mechanical device which is placed over the wheel of a vehicle and prevents the vehicle from being moved.

“Bus stop” means a roadway space designated by sign for use by buses to load or unload passengers.

“Emerging Mobility Device” means any vehicle or micro mobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel by wheels, including mopeds, motorized scooters, motorized skateboards, monowheels and other self-propelled vehicles for which state law does not require proof of financial responsibilities.

“Emerging Mobility Device Rental” means the provision, rental, hire, or delivery of an Emerging Mobility Device for any valuable consideration or the solicitation of that service or good.

“Holiday” means and includes New Year’s Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the governing body to be a holiday.

“Loading zone” means a roadway space designated by sign for loading or unloading passengers or materials during specified hours of specified days.

“Motorized scooter” means a scooter which is self propelled.

“Motor truck” means a motor vehicle with a maximum combined vehicle and load weight over eight thousand pounds that is designed or used to carry freight, property, articles or things.

“Package agreement” means the rental agreement for an emerging mobility device packaged or included under the auspices of a motel unit, short-term rental or other rental agreement.

“Person” means a natural person, firm, partnership, association or corporation.

“Recreational vehicle” means and includes, but is not limited to, all motor homes, campers, trailers or other vehicles, with or without motor power, which are designed for human occupancy, whether on a temporary or permanent basis.

“Scooter” means a vehicle with two or more wheels in contact with the ground, a platform on which the occupant(s) stand and a set of handlebars for steering.

“Street” means and includes highway, road or street as defined in ORS 801.110, 801.305, 801.450 and 801.535, including the entire width of the right-of-way.

“Taxicab stand” means a roadway space designated by sign for taxicab use.

“Traffic lane” means that area of the roadway used for a single line of traffic movement.

SECTION 3

AMENDS CHAPTER 12 BICYCLES AND SKATEBOARDS OF TITLE 10 VEHICLES AND TRAFFIC AS FOLLOWS

Chapter 10.12 ~~BICYCLES AND SKATEBOARDS~~ 10.12 BICYCLES, SKATEBOARDS AND EMERGING MOBILITY DEVICES

10.12.010 Bicycle operating rules.

In addition to observing other applicable provisions of state and local laws pertaining to bicycles, no person shall:

- A. Park a bicycle other than in a bicycle rack. If no bicycle rack is available, the person shall leave the bicycle so that it does not obstruct a roadway, sidewalk, driveway or building entrance;
- B. Park a bicycle in violation of a motor vehicle parking provision;
- C. Park a bicycle secured to a tree (except with the property owner’s permission), fire hydrant or police or fire call box;
- D. Ride Operate a bicycle on a sidewalk, multi-use path or trail, unless specifically posted for such purposes;
- E. Park a bicycle on a sidewalk except in a city-approved bicycle rack;

- F. Park a bicycle on private property without consent of the owner or person in charge. Consent shall be implied on private commercial property unless bicycle parking is expressly prohibited;
- G. Park a bicycle on a stand or other public property for more than twenty-four hours;
- H. Operate any vehicle propelled by human power with three or more wheels and specifically designed to convey more than one person on Hemlock Street, Ecola Park Road, or any sidewalk within the city. Such vehicles will have a map permanently and prominently affixed to the vehicle depicting areas where it can be lawfully operated;
- I. Operate any vehicle propelled by human power with three or more wheels, an axle width in excess of twenty-six inches, and where the seat bottom rests lower than eighteen inches from the ground, on any street, sidewalk, or bike lane within the city.

10.12.020 Skateboard operating rules.

No person shall:

- A. Ride a skateboard on a sidewalk, walkway, path, porch or other pedestrian area;
- B. Ride a skateboard on a public street, alley or parking lot within a business or commercial district of the city;
- C. Leave or park a skateboard on a sidewalk or walkway.

10.12.025 ~~Motorized scooter~~ Emerging Mobility Device operating rules.

A ~~motorized scooter~~ Emerging Mobility Device is subject to all the same provisions of the Cannon Beach Municipal Code and the Oregon Revised Traffic Statutes as a bicycle.

10.12.027 Prohibition of the rental of Emerging Mobility Devices.

The act of providing, renting, or delivering an emerging mobility device, or the solicitation of that service or good, or the rental or hire of an emerging mobility device, whether by direct agreement or by package agreement, to be utilized on rights-of-way or public property within Cannon Beach is prohibited.

10.12.030 Skate park.

- A. The skate park is only for the use of skateboards, roller skates of any type, bicycles without pegs, and non-motorized scooters.
- B. The use of added ramps, jumps, or other obstacles not part of the permanent park design features is prohibited.
- C. All skate park users are required to wear a helmet, regardless of age.
- D. Alcoholic beverages are prohibited in the skate park.
- E. Tobacco products are prohibited in the skate park.
- F. Drugs are prohibited in the skate park.
- G. Glass containers are prohibited in the skate park.

10.12.040 Impoundment.

- A. Skateboards, bicycles, roller skates of any type, or any other vehicle operated in violation of this chapter may be immediately impounded by the police department, in addition to any citation issued.
- B. A fee of twenty-five dollars shall be charged to the owner of any skateboard, bicycle, roller skates, non-motorized scooters or any other vehicle impounded under the provisions of this chapter.
- C. The municipal court may apply the impound fee to any fines imposed, or, at its discretion, may return any or all of the impound fee to the owner.

10.12.050 Basketball court.

- A. Alcoholic beverages are prohibited on the basketball court.
- B. Tobacco products are prohibited on the basketball court.
- C. Drugs are prohibited on the basketball court.
- D. Glass containers are prohibited on the basketball court.
- E. Skateboards, bicycles, roller skates of any type, non-motorized scooters or any other vehicles are prohibited on the basketball court.

10.12.060 Tennis court.

- A. Skateboards, bicycles, roller skates of any type, non-motorized scooter or any other vehicles are prohibited on the tennis courts.
- B. Glass containers are prohibited on the tennis courts.

10.12.070 Violations—Penalty.

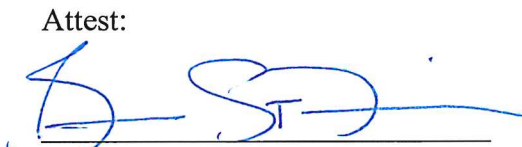
Violation of this chapter is a Class B infraction with a maximum fine of three hundred sixty dollars (as defined by ORS 153.018).

ADOPTED by the Common Council of the City of Cannon Beach this 2nd day of August 2022, by the following roll call vote:

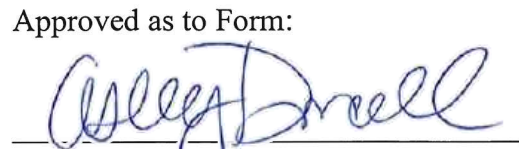
YEAS: Councilors Benefield, McCarthy, Ogilvie, Risley and Mayor Steidel
NAYS: None
EXCUSED: None



Sam, Steidel, Mayor

Attest:


Bruce St. Denis, City Manager

Approved as to Form:


Ashley Driscoll City Attorney