

ORDINANCE NO. 7,722–N.S

AMENDING BERKELEY MUNICIPAL CODE (BMC) CHAPTER 14.62 (CAR SHARING) TO RENAME ONE-WAY CAR SHARE TO ONE-WAY VEHICLE SHARE AND TO DELETE OBSOLETE REFERENCES TO USE OF PARKING STICKERS AFFIXED TO PARTICIPATING VEHICLES

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 14.62 is amended to read as follows:

**Chapter 14.62  
VEHICLE SHARING**

Sections:

- 14.62.010 Findings and purpose.
- 14.62.020 Definitions.
- 14.62.030 Term.
- 14.62.040 Permit parking exemption.
- 14.62.050 Free-floating parking permit.
- 14.62.060 Master residential parking permit.
- 14.62.070 One-way vehicle share parking zone.
- 14.62.080 Modification after initial designation of one-way vehicle share parking zone.
- 14.62.090 Issuance of parking permits.
- 14.62.100 Parking permit fees.
- 14.62.110 Suspension or revocation.
- 14.62.120 Penalties, liability and enforcement

**14.62.010 Findings and purpose.**

The Council finds that the use of vehicle sharing within Berkeley has numerous benefits, including improved mobility for residents, reduced personal vehicle ownership and vehicle miles traveled and overall reduction in greenhouse gas emissions. The purpose of this Chapter is to facilitate vehicle sharing within Berkeley by establishing a program under which permitted one-way vehicle share vehicles may park in metered and unmetered spaces in which parking is allowed for up to two hours or longer. (Ord. 7508-NS § 1 (part), 2016)

**14.62.020 Definitions.**

- A. "Vehicle sharing" means a membership-based service, available to all licensed drivers, who meet the vehicle sharing organization’s eligibility requirements, which offers members access to a network of vehicles, 24 hours per day, 7 days a week, at self-service locations and allows members to reserve and use a one-way vehicle share vehicle without a separate written agreement, at rates that are proportional to usage.
- B. "One-way vehicle sharing" means a vehicle sharing model that allows members to pick up a vehicle from one location and drop it off at a different location within a

defined geographic area, as specified by the qualified car share organization that operates that vehicle.

- C. "Vehicle share organization" means an entity that provides shared-use vehicles for its members at geographically distributed locations at hourly, daily and weekly rates (or fractions thereof) with insurance coverage provided by the vehicle share organization. The Public Works Department will maintain the criteria necessary to become a qualified vehicle share organization. The Public Works Department will compile a list of qualified vehicle share organizations entitled to apply for one-way vehicle share permits. The Public Works Director or their designee may make changes to these criteria at any time.
- D. "One-way vehicle share vehicle" means a vehicle requiring a driver's license to operate it, (including, but not limited to, passenger cars, motorized sit scooters, and motorcycles) owned and operated by a qualified vehicle share organization that is clearly and distinctly branded, is constantly tracked through Global Positioning System ("GPS"), and is technologically-enabled to allow members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the vehicle share organization.
- E. "Qualified vehicle share organization" is a vehicle share organization that has a fleet of at least twenty one-way vehicles for member use.
- F. "One-way car vehicle parking zone" is the area agreed upon by the qualified vehicle share organization permit holder and the Public Works Department, which bounds the geographic area where one-way vehicle share members may legally park one-way vehicle share vehicles within Berkeley. (Ord. 7508-NS § 1 (part), 2016)

**14.62.030 Term.**

Reserved. (Ord. 7653-NS § 1 (part), 2019; Ord. 7508-NS § 1 (part), 2016)

**14.62.040 Permit parking exemption.**

- A. A one-way vehicle share vehicle with a free-floating parking permit, parked at metered parking spaces in which parking is allowed for up to two hours or longer, that is located within the company's defined one-way vehicle share parking zone, shall be exempt from the provisions stated in Chapter 14.52, which regulate the parking or standing of vehicles, which includes time limits enforced at inoperable parking meters and pay-and-display stations except that it may not remain parked at the same location for more than 72 hours.
- B. A one-way vehicle share vehicle with a master residential parking permit shall be permitted to stand or be parked in any of the residential permit parking areas established pursuant to Chapter 14.72 Preferential Parking Program with the same rights and restrictions as RPP holders. (Ord. 7508-NS § 1 (part), 2016)

**14.62.050 Free-floating parking permit.**

- A. A free-floating parking permit entitles qualified vehicle share organization members to park one-way vehicle share vehicles in metered and unmetered spaces in which parking is allowed for up to two hours or longer, for up to 72 hours within the designated free-floating zone.

- B. This Chapter shall not exempt a member of a vehicle share organization or qualified vehicle share organization from any other traffic controls and regulations. (Ord. 7508-NS § 1 (part), 2016)

**14.62.060 Master residential parking permit.**

- A. A master residential parking permit entitles qualified vehicle share organization members to park one-way vehicle share vehicles in a residential parking permit area as if the member had a residential parking permit for that zone as designated by chapter 14.72.050, even if the member is not a resident or employee within that zone.
- B. The master residential parking permit does not guarantee or reserve a parking space for the member of the vehicle share organization.
- C. This Chapter shall not exempt a member of a vehicle share organization or qualified vehicle share organization from any other traffic controls and regulations. (Ord. 7508-NS § 1 (part), 2016)

**14.62.070 One-way vehicle share parking zone.**

The one-way vehicle share parking zone boundaries will be established by a qualified vehicle share organization in consultation with the Public Works Department. Current and updated maps of one-way vehicle share parking zones will be publicly available on the City of Berkeley's website. The GPS coordinates of one-way vehicle share parking zones shall be programmed into the navigation equipment of those vehicles in order to alert members using those vehicles where parking is permitted. Qualified vehicle share organizations shall notify their members of any modifications to the one-way vehicle share parking zones applicable to their vehicles at least three days prior to such modification. (Ord. 7508-NS § 1 (part), 2016)

**14.62.080 Modification after initial designation of one-way vehicle share parking zone.**

A qualified vehicle share organization may request up to four modifications to the one-way vehicle share parking boundary zone during the term of the parking permit. Application for such modifications shall be made to the Public Works Department. (Ord. 7508-NS § 1 (part), 2016)

**14.62.090 Issuance of parking permits.**

- A. Free-floating parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.
- B. Master residential parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.
- C. A vehicle share organization applying for parking permits shall provide the license plate numbers for the one-way vehicle share vehicles for which permits are sought to the Public Works Department.
- D. The Public Works Department shall issue the permits with a maximum term of one year. Permits can be granted quarterly each year through the end of the City's fiscal year.

- E. A vehicle share organization can apply for up to 700 parking permits to be used on vehicle share vehicles based within fifty miles of the Berkeley city limits. A vehicle share organization may alternatively apply for up to 500 parking permits to be used on vehicles based within fifty miles of the Berkeley city limits plus up to 300 parking permits for vehicles based more than fifty miles from the Berkeley city limits. The Public Works Department will review the quantity of parking permits requested by the vehicle share organization to balance the parking needs of the vehicle share organization with the on-street parking needs of private residents and employees.
- F. Any free-floating and master residential parking permits which are renewed shall be subject to the same conditions applicable to the permits when originally issued. The Public Works Department may attach additional conditions to a renewed permit.
- G. The Public Works Department shall issue rules and regulations consistent with this Chapter governing issuance and display of proof that a one-way vehicle share vehicle is owned by a qualified vehicle share organization with a valid free-floating and/or master residential parking permit. (Ord. 7653-NS § 2, 2019; Ord. 7508-NS § 1 (part), 2016)

**14.62.100 Parking permit fees.**

- A. Fees for master residential parking permits and free-floating parking permits, and for the implementation and administration of this Chapter may be adopted by resolution of the City Council. (Ord. 7508-NS § 1 (part), 2016)

**14.62.110 Suspension or revocation.**

- A. The City may suspend or revoke the status of any qualified vehicle share organization for any violation of the provisions of this Chapter or regulations promulgated to implement this Chapter. During the time that the permit is suspended or revoked, it shall be unlawful for the vehicle share organization to exercise any of the rights granted under this Chapter.
- B. The permit holder shall be entitled to appeal the City's decision to suspend or revoke its permit by filing a written notice of appeal with the City Manager within ten days from the date the notice of suspension or revocation is mailed.
  - a. The appeal shall clearly and concisely set forth the grounds upon which it is based.
  - b. If the permit holder files a timely request for appeal, a hearing shall be held before the City Manager or their designee. The decision of the City Manager or their designee shall be final.
- C. Pending the appeal hearing it shall be unlawful for the permit holder to exercise its rights under this Chapter. (Ord. 7508-NS § 1 (part), 2016)

**14.62.120 Penalties, liability and enforcement.**

- A. Every person who violates any provision of this chapter may be subject to administrative citations pursuant to Chapter 1.28.
- B. Each violation of this chapter and each day of violation of this chapter shall be considered a separate and distinct violation thereof and the imposition of a penalty

shall be as set forth in subsection A of this section for each and every separate violation and each and every day of violation. (Ord. 7508-NS § 1 (part), 2016)

Section 2: Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 30, 2020, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Abstain: Davila and Hahn.

Absent: None.

