



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 95060-4068
(831) 454-2040 FAX: (831) 454-2115

SAMUEL TORRES, JR., COUNTY COUNSEL

CHIEF ASSISTANTS
RAHN GARCIA
DANA McRAE

Assistants

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Harry A. Oberhelman III	Kim Baskett
Marie Costa	James E. Lewis
Jane M. Scott	Julia Hill
Tamyra Rice	Shannon Sullivan
Pamela Fyfe	

May 10, 2001

Agenda: May 22, 2001

Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, California 95060

Re: Regulation of Gas-Powered Motorized Scooters

Dear Members of the Board:

On April 17, 2001, your Board adopted an ordinance adding Chapter 9.54 to the Santa Cruz County Code. This ordinance authorized the operation of motorized bicycles and motorized scooters powered by an electric engine on bikeways within the County. This same ordinance also prohibited the operation of any gas-powered motorized scooter on the extensive network of bikeways under the County's jurisdiction.¹ An additional action taken by your Board was to adopt in concept an ordinance extending the prohibition against gas-powered motorized scooters to any other property owned or controlled by the County, with the direction that said ordinance return for final approval on April 24, 2001.

On April 24, 2001, your Board deferred consideration of the ordinance banning gas-powered scooters from County owned or controlled property to today's date. Throughout the period of your Board's consideration of these ordinances, there have been no concerns raised with regards to the County right to exclude operation of gas-powered

¹Please refer to Santa Cruz County Bikeway Map prepared by the Santa Cruz County Regional Transportation Commission, an original copy of which is on file with the County Clerk.

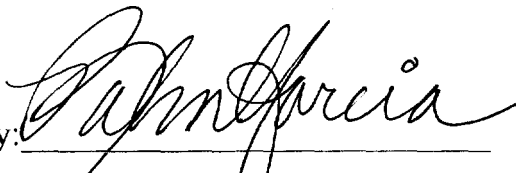
motorized scooters within its own parks and government facilities. The attached ordinance would amend the newly enacted Chapter 9.54 by prohibiting the operation of gas-powered motorized scooters in any park, riding and hiking trail, recreation area, beach, community center or building, historic structure or facility owned, managed or controlled in whole or in part by the county and under the jurisdiction of the County Director of Parks, Open Space and Cultural Services in either incorporated or unincorporated territory.

There has been a question raised about whether the County is preempted from regulating the operation of these scooters on certain non-bikeway designated residential streets. At this time, it is recommended that your Board proceed with extending the prohibition against gas-powered scooters to County parks and facilities. In the future, if the operation of gas-powered scooters on particular non-bikeway designated streets produce noise or other environmental concerns, the County could consider designating those streets as bikeways at that time.

IT IS THEREFORE RECOMMENDED that your Board consider adopting in concept the attached ordinance amending Chapter 9.54 of the Santa Cruz County Code by prohibiting gas-powered motorized scooters from County parks and facilities, and place said ordinance on your next available agenda for final adoption

Very truly yours,

SAMUEL TORRES, JR., COUNTY COUNSEL

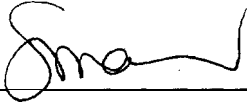
By: 

RAHN GARCIA
Chief Assistant County Counsel

Attachments: Proposed Ordinance

Santa Cruz County Bikeway Map

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Enclosures

cc: County Administrative Office
Regional Transportation Commission
California Highway Patrol, 10395 Soquel Dr., Aptos CA 95003
Richard Parker, 2-1724 E. Cliff Dr., #2, Santa Cruz, CA 95062
Bud Galipeaux, 3595 Vienna Dr., Aptos, CA 95003

ORDINANCE NO. _____

**ORDINANCE AMENDING SUBSECTION 9.54.010 OF THE
SANTA CRUZ COUNTY CODE RELATING TO
MOTORIZED BICYCLES AND MOTORIZED SCOOTERS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection 9.54.010 of the Santa Cruz County Code is hereby amended to read as follows:

9.54.010 Regulations.

A. Notwithstanding any other provision of this code, a “motorized bicycle” as defined by California Vehicle Code Section 406 (b), and a “motorized scooter” as defined by California Vehicle Code Section 407.5 (a), are authorized to operate on any bikeway under the County’s jurisdiction.

B. A “motorized scooter” as defined by California Vehicle Code Section 407.5 (b), is prohibited from operating ~~on~~ in:

1. ~~a~~Any bikeway under the County’s jurisdiction.
2. Any park, riding and hiking trail, recreation area, beach, community center or building, historic structure or facility owned, managed or controlled in whole or in part by the county and under the jurisdiction of the director of parks, open space and cultural services in either incorporated or unincorporated territory.

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 200 1, by the Board of Supervisors of the County of Santa Cruz by the following vote:

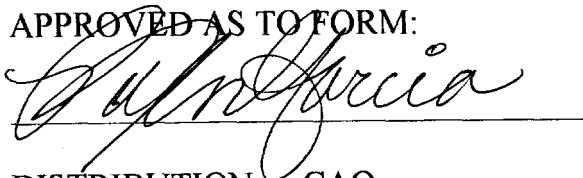
AYES: SUPERVISORS

NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the
Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



DISTRIBUTION: CAO
Sheriff
Transportation Commission
California Highway Patrol

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Room 500
 Santa Cruz, CA 95060

To whom it may concern,

I am writing this letter in regards to the proposed ban on motorized scooters in the Santa Cruz county'area. I am not only a motorized scooter owner but I am also deeply disappointed in the reversal of the California State law for Santa Cruz County.

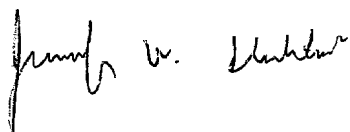
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I also would like you to take into consideration that I have in the past spent many weekends in Santa Cruz with my family AND my scooter. Just my trips alone have brought Santa Cruz County hundreds of dollars with my shopping trips as well as my family's meals. It appears that now I shall take my "business" as well as my scooter to the Monterey area where they actually RENT them to residents and visitors..

I know that I am not a resident of your county, however this ban will also make me a non-visitor. Also, because I am not a resident it is essential that all boundries of Santa Cruz County be posted as to where the ban is in effect so that I can be sure not to cross the line. I find it hard to believe that ALL of California has made them legal (and for good reason) but that Santa Cruz and it's Counties can have laws that only apply to them while the rest of California and it's residents abide by totally different laws.

Please fell free to contact me in regards to this matter, however I hope you, the Supervisors, will REALLY research this before making a poor decision which could potentially cost Santa Cruz County thousands of dollars in revenue. Thank you for your time and I ask that you please reconsider your decision.

Sincerely,



M : & Mrs. Peter J. Stuhlmueller
 58 Sierra Drive
 Salinas, CA 93901-4140

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Room 500
 Santa Cruz, CA 95060

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Sincerely,

Debbie Prader

DPRADER
 1750 EMERALD DR
 SALINAS CALIF
 93906



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Board of Supervisors

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Room 500
Santa Cruz, CA 95060

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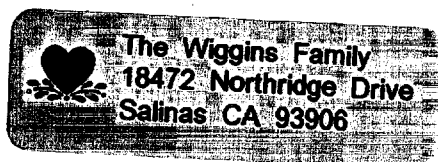
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Sincerely,

Aisa Wiggins



Board of Supervisors
County of Santa Cruz
701 Ocean Street
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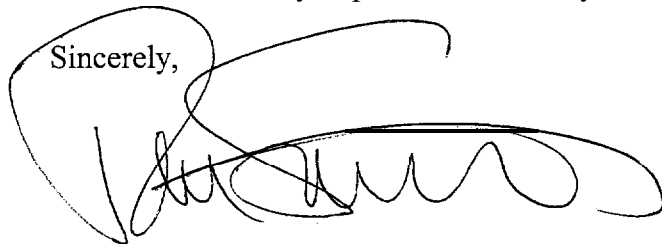
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Sincerely,



Tom Smith
1633 Caceras Cir
Salinas CA 93906

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Room 500
Santa Cruz, CA 95060

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Sincerely,

Gordon W Dill

G. Dill
25 Winham St.
Salinas, CA 93901
93

2001

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 County of Santa Cruz
 701 Ocean Street
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 Santa Cruz, CA 95060

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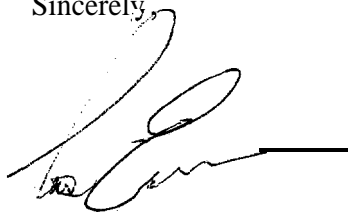
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Sincerely,



D. Espeziale
 247 Clay St
 Monterey, CA 93940



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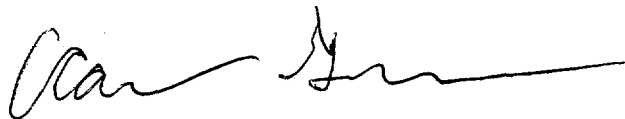
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AARON Green
1971-3 Bonifacio St.
Concord CA. 94520

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Sincerely,

Kurt & Teresa Nielsen

Nielsen
 1658 Cupertino Way
 Salinas Ca. 93906



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 701 Ocean Street
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Sincerely,

Mark Simmons
 831 757-7155

Mark Simmons
 940 Iversen St. #6
 Salinas, CA. 93801



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 County of Santa Cruz
 701 Ocean Street
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Michael A Aliotti

Michael A Aliotti
 21 Dickens cr
 Salinas, CA, 93901



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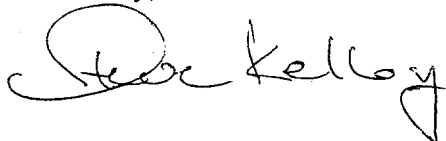
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Steve Kelley
371 East Alvin Dr.
Salinas, CA 93906

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63 San Carlos Dr
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To whom it may concern,

I am writing this letter in regards to the proposed ban on motorized scooters in the Santa Cruz county area. I am not only a motorized scooter owner but I am also deeply disappointed in the reversal of the California State law for Santa Cruz County.

I hope that before anything becomes finalized, you will really research the issues at hand. The scooters are NOT loud as many believe (you should compare a scooter with a chain saw or a weed eater). I hope that if noise is the main issue , Santa Cruz County will also put a ban on all the cars with loud exhaust systems and stereos because they are MUCH louder than the scooter I own and I would be willing to demonstrate just that.

I also would like you to take into consideration that I have in the past spent many weekends in Santa Cruz with my family AND my scooter. Just my trips alone have brought Santa Cruz County hundreds of dollars with my shopping trips as well as my family's meals. It appears that now I shall take my "business" as well as my scooter to the Monterey area where they actually RENT them to residents and visitors..

I know that I am not a resident of your county, however this ban will also make me a non-visitor. Also, because I am not a resident it is essential that all boundries of Santa Cruz County be posted as to where the ban is in effect so that I can be sure not to cross the line. I find it hard to believe that ALL of California has made them legal (and for good reason) but that Santa Cruz and it's Counties can have laws that only apply to them while the rest of California and it's residents abide by totally different laws.

Please fell free to contact me in regards to this matter, however I hope you, the Supervisors, will REALLY research this before making a poor decision which could potentially cost Santa Cruz County thousands of dollars in revenue. Thank you for your time and I ask that you please reconsider your decision.

Sincerely,



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Richard M. Supervisors