

**CITY OF HERMOSA BEACH  
ORDINANCE NO. ORD-24-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA ADDING SECTION 10.12.175 TO THE HERMOSA BEACH MUNICIPAL CODE REGARDING SAFETY AND OPERATIONAL REGULATIONS RELATED TO BICYCLES, AND ELECTRIC/MOTORIZED BICYCLES IN THE CITY, AMENDING SECTION 1.10.040 TO MAKE VIOLATIONS OF CERTAIN MUNICIPAL CODE REGULATIONS RELATED TO BICYCLES AND ELECTRIC/MOTORIZED BICYCLES SUBJECT TO ADMINISTRATIVE CITATIONS AND DETERMINE THE AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council held a duly noticed public hearing on [INSERT DATE] to consider a text amendment to portions of Hermosa Beach Municipal Code Title 10 and Title 1.

**SECTION 2.** Under Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the ordinance qualifies as a "common sense exemption" as CEQA only applies to projects which have the potential for causing a significant effect on the environment.

**SECTION 3.** The City Council finds the proposed code additions and amendments are consistent with the City's General Plan.

**SECTION 4.** Section 10.12.175 (Operation and Use of Bicycles and Electric Bicycles) is added to Chapter 10.12 (Traffic Rules) of Title 10 (Vehicles and Traffic) of the Hermosa Beach Municipal Code to read as follows:

**10.12.175 Use of bicycles, electric bicycles and other wheeled devices.**

A. It is unlawful for any person to ride or operate any bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance unless such ride or operation complies with the following:

1. No person shall ride or operate a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance in an unsafe manner. Unsafe manner means a rider violating any existing Hermosa Beach Municipal Code, California Vehicle Code or other existing law. Unsafe manner can also be defined as operating in such a way as to constitute a danger to the operator, a passenger, other motorists, other riders, or pedestrians in the area. Other examples of unsafe manner include, but are not limited to:

(a) Riding on a sidewalk without due caution for pedestrians.

(b) Riding on a sidewalk, street, bicycle path or bicycle lane against the flow of traffic.

(c) Not yielding to other vehicles when required.

(d) Intentionally swerving around stopped or slowed traffic on streets, sidewalks, bicycle paths or lanes.

(e) not obeying posted signs regulating the riding or operation of the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance.

(d) Unsafe trick riding or racing.

2. All operators and passengers under 18 years of age shall wear a helmet properly strapped while riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance.

3. No person riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall transport another person upon the bicycle, electric bicycle, or motorized bicycle unless such passenger is seated upon a separate, attached seat designed for such use.

4. No person riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall tow any other vehicle.

5. No person riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall cling or attach themselves or their bicycle, electric bicycle, or motorized bicycle to any other moving vehicle or persons in any other vehicle.

6. No person shall park any bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance outside of designated areas on Pier Plaza.

7. All persons riding or operating a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall yield to pedestrians when required.

8. It shall be unlawful for any person to operate a bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance upon any street, highway, path, lane or any area of the City while under the influence of an alcoholic beverage and/or any drug.

B. Notwithstanding any other provision of this Code, nothing is intended to apply or otherwise restrict bicycles, electric bicycles, motor-driven cycles, pocket bikes or any other electric or motorized conveyances operated by any officer employed by the City while on duty, or as utilized in a safe manner by physically disabled persons as defined under the Americans with Disabilities Act (42 U.S.C. Section 12101 *et seq.*)

C. Violations. Violations of this section are subject to the following standards.

1. In addition to any other penalty authorized by law, violations of this section as well as section 12.20.220 and 12.28.010 are subject to the administrative citations and penalties provisions in Chapter 1.10.

2. If a juvenile is cited for violating this section, the City officer issuing the citation may impound the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance to the Hermosa Beach Police Department, such that the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall be released to a responsible adult upon payment of the impound fee established by the City Council. In the event an adult is cited for violating this section for a violation that endangers the safety of others, the City officer issuing the citation may impound the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance to the Hermosa Beach Police Department, such that the bicycle, electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall be released upon payment of the impound fee established by the City Council.

**SECTION 5.** Section 1.10.040 (Code violations subject to administrative penalty procedures) of Chapter 1.10 (Administrative Citations and Penalties) of Title 1 (General Provision) is amended to add the following code section to the list of violations subject to the administrative penalty procedures and other provisions of Chapter 1.10:

Section 10.12.175, Use of bicycles, electric bicycles and other wheeled devices.

Section 12.20.220, Motorized and electric wheeled devices.

Section 12.28.010, Park regulations generally.

**SECTION 6.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

**SECTION 7.** Effective Date. This Ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

**SECTION 8.** Certification. The City Clerk is directed to certify the passage and adoption of this ordinance; cause it to be entered into the City's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this ordinance, cause it to be published or posted in accordance with California law.