

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

AN URGENCY 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 ELECTRIC/MOTORIZED BICYCLES IN THE CITY, AMENDING SECTION 1.10.040 TO MAKE VIOLATIONS OF CERTAIN MUNICIPAL CODE REGULATIONS RELATED TO ELECTRIC/MOTORIZED BICYCLES SUBJECT TO ADMINISTRATIVE CITATIONS, ADDING CHAPTER 5.82 DEALING WITH THE RENTAL OF ELECTRIC BICYCLES IN THE CITY AND DETERMINE THE URGENCY ORDINANCE 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 of Hermosa Beach's existing Municipal Code provisions on the use of electric bicycles are not up to date in light of the proliferation of electric bikes in the City. Accordingly, the Municipal Code regulations are not adequate to deal with the increasing use of electric bikes in the City. Due to safety concerns related electric bikes and motorized bicycles, recent bicycle-related issues in the City, and the impending summer season where use of electric bicycles will increase, the City Council finds that there is a current and immediate threat to the public peace, health, safety and welfare posed by the Municipal Code's antiquated bicycle regulations. For the immediate preservation of the public peace, health, safety, and welfare and public's interest in the safe operation of electric bicycles and motorized bicycles, the City Council hereby adopts this Ordinance pursuant to Government Code Section 36937 in order to protect the public health, safety, or welfare.

SECTION 2. The adoption and implementation of the Ordinance is not a project for purposes of CEQA in that it is a general policy regulating the operation

and rental of electric bicycles and motorized bicycles, and even if it were a project, it would be exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the City's updated regulations will have 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 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 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 an 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:
 2. All operators and passengers under 18 years of age shall wear a helmet properly strapped while riding or operating an electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance.

3. No electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance shall be allowed on the Greenbelt.
 4. 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 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 sections 12.20.220, 12.20.230, and 12.28.010 of this Municipal Code 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 electric bicycle, motor-driven cycle, pocket bike or any other electric or motorized conveyance to the Hermosa Beach Police Department, such that the 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 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 electric bicycles and other wheeled devices.

Section 12.20.220, Motorized and electric wheeled devices.

Section 12.20.230, Wheeled vehicles or devices on Strand walkway and Pier Plaza.

Section 12.28.010, Park regulations generally.

Chapter 5.82 (Rental of Electric Bicycles)

SECTION 6. Chapter 5.82 (Rental of Electric Bicycles) is added to Chapter 10.12 (Traffic Rules) of Title 5 (Business Licenses and Regulations) of the Hermosa Beach Municipal Code to read as follows:

Chapter 5.82 – Rental of Electric Bicycles

Section 5.82.010 – Purpose

The purpose of this chapter is to ensure the rental of electric bicycles in the City is done in such a manner that ensures compliance with the City's regulations on electric bicycles in the City.

Section 5.82.020 – Requirements on the Rental of Electric Bicycles in the City

No person, individual, business, partnership, firm, corporation or any combination of the above in whatever form or character shall, after August 4, 2024, make available for rent an electric bicycle in the City unless said electric bicycle is equipped with technology (*i.e.*, geofencing) that insures use of the electric motor is not permitted on the Strand, Pier Plaza, the Greenbelt and any other places in the City where electric bicycles are not allowed to operate. The August 4, 2024 deadline for compliance may be extended on a case-by-case basis at the discretion of the City Manager if the requestor has made diligent and meaningful progress in complying with this section.

Section 5.82.020 –Violations.

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

SECTION 7. 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 8. The City Clerk shall: certify to 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 shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933 and in accordance with California law.

SECTION 9. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of

Government Code Section 36937(b); and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption.

PASSED, APPROVED and ADOPTED on this 4th day of June, 2024

Justin Massey

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, CA

ATTEST:

APPROVED AS TO FORM:

Myra Maravilla
City Clerk

Patrick Donegan
City Attorney