

CONSIDERATION OF AN URGENCY ORDINANCE DEALING WITH ELECTRIC BICYCLES IN THE CITY



June 4, 2024

Background

- During the September 12, 2023 City Council meeting, Councilmember Saemann requested, and then Mayor Jackson supported, directing staff to return with an information item covering existing e-bike regulations in the City and options for further regulation.
- On October 10, 2023, Consensus by a majority of Council members to bring back more specific regulations on the use of bicycles and e-bikes in the City and options for enforcement and impoundment.



Background

- January 23, 2024, Staff provided City Council with a report and draft ordinance regarding the regulation of electric bicycles in the City. City Council directed staff to explore and bring back regulations that are non-duplicative of other laws.
- May 28, 2024, direction by City Council during Future Agenda items to bring back item ASAP.

Discussion

- Existing City regulation on e-bikes are found in various spots of the City's Municipal Code (violation are infractions):
 - HBMC § 12.20.220 (Riders are permitted to ride on e-bikes on the Strand, Pier Plaza, or beach, as long as they do not utilize the electric motor or other electric power)
 - HBMC § 12.20.230 (Regulates the use of wheeled devices, including e-bikes, on the Strand and Pier Plaza and, among other things, prohibits the use of these devices in the dedicated walk zone on the Strand)
 - HBMC § 12.28.010 (I) (limits the use of bicycles and e-bikes in City parks to only those designated roads or drives provided for such purpose. Riding a bicycle or e-bike over grass, or other areas of a City park not designated for use by bicycles, is prohibited.)



Discussion Continued

- Other jurisdictions such as Manhattan Beach and Huntington Beach have also addressed this topic.
- Manhattan Beach, via urgency ordinance adopted numerous regulations detailed in the staff report and instituted fines of \$500, \$750, and \$1,000.
- Huntington Beach, implemented an impounding option of the e-bike if it is being ridden by a juvenile and the juvenile is cited or arrested for a violation of the City's e-bike regulations.



Proposed Urgency Ordinance

- Proposes the addition of Section 10.12.175
 - Requiring a properly fitted helmet for all riders under the age of 18.
 - Cannot ride in an unsafe manner
 - Prohibiting the operation under the influence of alcohol or drugs.
 - Maintaining the prohibition on the use of e-bike motor on the Strand, and the Greenbelt and only allow the riding of e-bikes in City parks in designated areas



Proposed Urgency Ordinance

- Adds enforcement options
 - Administrative citation and impoundment
- Rental of electric bikes in City must come 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



Edits to Urgency Ordinance

- 10.12.175 (A) (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:~~

Edits to Urgency Ordinance

- 10.12.175 (C) (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.~~

Resolution Establishing Fines

Violation Subject to Administrative Citations (Section 1.10.040 (A) HBMC)		Current Fine		
Violation		First	Second	Third +
33.	Section 10.12.175, Use of electric bicycles and other wheeled devices.	\$500	\$750	\$1,000
34.	Section 12.20.220, Motorized and electric wheeled devices.	\$500	\$750	\$1,000
35.	Section 12.20.230, Wheeled vehicles or devices on Strand walkway and Pier Plaza.	\$500	\$750	\$1,000
36.	Section 12.28.010 (I), Park regulations generally	\$500	\$750	\$1,000
37.	Chapter 5.82, Rental of Electric Bicycles	\$250	\$500	\$750



Recommendations

- Staff recommends Council consider the Urgency Ordinance with the aforementioned edits.
- As its an urgency ordinance a 4/5 vote is required and the ordinance contains findings related to the immediate preservation of the public peace, health and safety within the meaning of Government Code Section 36937(b).
- Consider adoption of Resolution establishing administrative citation fines for violations of the above ordinance.

