

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, AMENDING HERMOSA BEACH MUNICIPAL
CODE CHAPTER 12.20 (BEACH AND STRAND
REGULATIONS), AND FINDING THE SAME EXEMPT
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT.

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. Chapter 12.20 “Beach and Strand Regulations” of the Hermosa Beach Municipal Code is amended to read in full as follows:

Chapter 12.20

BEACH AND STRAND REGULATIONS

Sections:

- 12.20.010 Definitions.
- 12.20.020 Compliance.
- 12.20.030 At own risk.
- 12.20.040 Alcoholic beverages--Violation--Penalty.
- 12.20.050 Animals.
- 12.20.060 ~~Balls on beach and the Strand~~ Activities, Sports and Conduct on the Beach and the Strand.
- 12.20.065 Beach volleyball courts.
- 12.20.070 Bathing..
- 12.20.080 ~~Beach equipment.~~ Reserved
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- 12.20.200 Lifesaving apparatus.
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- 12.20.220 Motorized and electric wheeled devices.
- 12.20.224 Designated in-line skating areas
- 12.20.230 Wheeled vehicles or devices on Strand walkway and Pier Plaza.
- 12.20.240 Overnight camping.
- 12.20.250 Pollution of water.
- 12.20.260 Safety practices.

- 12.20.270 Removal of sand.
- 12.20.280 Shooting.
- 12.20.290 Signals of danger.
- 12.20.300 Solicitation.
- 12.20.310 Destruction or mutilation of structures.
- 12.20.320 Surfboards, surf mats and paddleboards--Use of.
- 12.20.330 Tents.
- 12.20.340 Exceptions.
- 12.20.350 Obstructing free movement.

12.20.010 Definitions.

As used in this chapter:

"Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing one-half (1/2) of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

"Beach" means that certain strip of land within the city lying between the westerly line of the Strand and the line of ordinary tide of the Pacific Ocean.

"Strand" means that certain strip of land used as a public walkway and lying between the oceanfront lot line and a line twenty-six (26) feet west and parallel with said oceanfront lot line.

"Vessel" means and includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. Vessel includes a raft, but does not include a surfboard, paddleboard or a standard surf mat.

12.20.020 Compliance.

No person shall enter, be or remain on the beach or Strand unless he complies with all of the regulations set forth in this chapter and with all other applicable rules and regulations.

12.20.030 At own risk.

A person exercising any of the privileges authorized by this chapter does so at his own risk without liability on the part of this city for any injury to person or property resulting therefrom.

12.20.040 Alcoholic beverages--Violation--Penalty.

A. No person shall consume or drink any alcoholic beverage while on the beach or the Strand.

B. No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the beach or the Strand.

C. Violation Defined--Penalties. Any person violating any provisions of this section shall be deemed guilty of an infraction, except that a violation of subsection (A) of this section that occurs within the boundaries of and during the effective dates and times of the holiday safety enhancement zone shall be a misdemeanor pursuant to Section 1.04.060.

12.20.050 Animals.

No person shall bring or maintain, under any circumstances or conditions, any dog, cat, domesticated animal or other animal or reptile of any kind on or upon the beach, or ride or lead a horse, mule, burro or donkey or other similar animal onto the beach or the Strand, or along the waters of the Pacific Ocean and a violation of this section shall be an infraction.

12.20.060 Activities, Sports and Conduct on the Beach and the Strand.~~Balls on beach and the Strand.~~

~~A. No person shall cast, bat, toss, throw, kick or roll any ball, tube, boomerang, flying saucer or any similar object, or use any volleyball or other athletic equipment, or conduct or participate in any sport or game at any place upon or over the beach or the Strand outside of an area provided therefor.~~

~~Exception: This prohibition shall not apply to any activity which is part of a supervised sports event or recreational activity of the city, nor to any activity expressly approved by the park and recreation commission or the city council.~~

~~B. No person shall conduct or participate in any sand throwing, blanket throwing, or any sport that constitutes a hazard to any person on the beach or Strand.~~

~~C. No sport or throwing of missiles of any kind shall be permitted on the Strand walkway.~~

~~D. A violation of any provision of this section shall be an infraction. (Prior code § 5-6)~~

A. No person shall use the beach or the Strand in any manner that constitutes a nuisance or hazard to any person or conduct or participate in any sport, game or other activity that constitutes a nuisance or hazard to any person. The foregoing does not apply to supervised sports events and recreational and recreational activities approved or sponsored by the City as well as any other activity approved by the Parks, Recreation and Community Resources Advisory Commission or the City Council.

B. The use of the beach for any game or organized athletic activity not otherwise subject to a permit requirement or other approval by the City is permitted as long as the playing area or activity area is more than 50 feet from the Strand the Strand Wall, does not unreasonably block access to the beach, and does not constitute a nuisance or hazard. This includes, but is not limited to, temporary volleyball courts, over-the-line, beach tennis beach tennis, football, Frisbee, soccer, baseball, smashball, boot-camp style workouts, paddleball, or any other game or activity involving a ball or projectile. Games, activities or personal property of any kind are prohibited in the beach emergency lanes including but not limited to those located:

1. Areas surrounding individual lifeguard towers along the beach designated by cones;
2. Strand wall opening at 11th Street to the southern beach entrance to the Lifeguard Headquarters Lifeguard Headquarters;
3. Directional lanes extending north to 13th Street and south to 10th Street from the Lifeguard Headquarters including under the Pier; and
4. Strand wall openings at 2nd, 14th, and 22nd Streets

C. Sports or activities involving a ball or other projectile shall be prohibited on the Strand.

D. All equipment and personal property of any kind shall be removed from the beach daily and shall not be permitted to remain overnight. Equipment and personal property may remain on the beach overnight subject to approval from the City.

E. No person shall fail or refuse to obey any reasonable command, order, instruction or direction of any lifeguards or police officers given in connection with this section.

12.20.065 Beach volleyball courts.

A. The volleyball courts directly adjacent to the pier, between 10th Street and 15th Street, referred to as the commercial zone, may be reserved by the city for special events or city contracted classes.

B. All volleyball courts south of 10th Street and north of 15th Street are for general community use, may not be reserved, and will operate on a challenge basis. All persons using the volleyball courts shall comply with Section 8.24.030.

C. Any commercial group as defined in Section 12.30.040, nonprofit organization, or fitness instruction for compensation shall obtain the proper special event, contract class, or outdoor fitness instruction permits and are limited to use of the volleyball courts or other facilities on the beach between 10th Street and 15th Street. (Ord. 16-1370 §1, 2016)

12.20.070 Bathing.

No person shall swim, bathe or immerse himself in the waters of the Pacific Ocean adjacent to the beach more than two hundred (200) yards from shore, except:

A. A person who is the owner of a vessel, or who acts at the request of such owner while engaged in servicing or repairing such vessel, and then only in the immediate area of such vessel;

B. A person engaged in the sport commonly known as aquaplaning, water skiing, or any derivation thereof; provided, that such person is at all times wearing a safety belt as approved by the director of the Los Angeles County department of beaches;

C. A skin diver equipped with swim fins and a face plate if at all times he maintains within fifty (50) yards of himself a boat or a surf mat, paddleboard or surfboard upon which there is a rectangular flag twelve (12) by fifteen (15) inches, orange-red in color with a white diagonal stripe three (3) inches wide running from one (1) corner to the diagonally opposite corner. The flag shall be flown high enough so as not to touch the water;

D. No person shall swim, skin dive, or use self-contained underwater breathing apparatus in the waters of the Pacific Ocean within one hundred (100) feet of this city's municipal pier.

The distance from shore as specified above shall mean the distance measured at right angles to the tangent of the actual line between the water and the unsubmerged beach as it exists at the time of measurement. A violation of this section shall be an infraction.

12.20.080 ~~Beach equipment. Reserved~~

~~A. No person shall write upon, cut, mark, stain or otherwise deface, damage or move, remove, use or otherwise interfere with or commit other act or acts of vandalism on any of the umbrellas, backrests, blankets, pillows, robes, rugs or other beach equipment while same is upon the beach or on private property of any person whatsoever.~~

~~B. All beach equipment shall be removed from the beach during the nighttime.~~

~~C. A violation of this section shall be an infraction.~~

12.20.090 Boating.

A. No person shall operate any vessel within three hundred (300) yards of the shoreline of the beach except when necessary in taking it to or from its lawful mooring place or when necessary in the case of emergency. The distance from shore as specified above shall mean the distance measured at right angles to the tangent of the actual line between the water and the unsubmerged beach as it exists at the time of measurement.

B. No person shall launch any motorized vessel from the beach.

C. A violation of this section shall be an infraction.)

12.20.100 ~~Changing clothing. Reserved~~

~~A. No person shall change clothes for any reason in any washroom or toilet on any part of the beach.~~

~~B. No person shall use or permit to be used any vehicle or portion thereof at any place within the city as a room or space for changing clothes before or after bathing in the ocean, or for any other reason.~~

~~C. A violation of this section shall be an infraction.~~

12.20.110 Fires.

No person shall build, light or maintain any fire upon any portion of the beach or Strand at any time.

12.20.120 Fireworks.

A. No person shall take or transport onto the beach or Strand, or have in his possession thereon, or fire or discharge thereon, any firecracker, rocket or torpedo.

B. The use of safe and sane fireworks on the beach shall be deemed a violation of this regulation., and a violation of this subsection shall be an infraction.

12.20.125 Smoking.

No person shall smoke on the beach. "Smoking" is as defined in Section 8.40.010. A violation of this section shall be an infraction.

12.20.130 Fishing--Safety practices.

A. Every person carrying or using any fishing tackle, line, hook or other equipment on the beach or Strand, or from or in the surf or on the waters of the Pacific Ocean within the city, shall at all times have due regard for the safety of other persons near or in the vicinity of such person.

B. No person shall fail or refuse to obey any reasonable command, order, instruction or direction of any lifeguards or police officers given in connection with or with reference to any such fishing and the related use of fishing tackles, lines, hooks or other equipment, or fail to remove same from the beach or Strand or the surf or waters of the Pacific Ocean adjacent to the beach when requested to do so by any of such lifeguards or police officers.

C. A violation of this section shall be an infraction.

12.20.140 Flora.

No person shall dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof anywhere on the beach or Strand. A violation of this section shall be an infraction.

12.20.150 Glass or other sharp objects.

No person shall place, throw, leave, keep or maintain any bottle, glass, crockery, sharp or pointed articles or thing in such a manner that any person on the beach or Strand is or may be cut, pricked, or in any way injured thereby. A violation of this section shall be an infraction.

12.20.160 Glass and rubbish--Deposit in receptacle.

A. No person shall throw, place or dispose of any refuse, garbage, rubbish, trash, bottle, can or paper upon the beach or Strand other than into a container authorized by this city and located thereon for that purpose.

B. No parent or guardian having the care, custody or control of any minor under the age of eighteen (18) shall permit or allow said minor to throw, place or dispose of any refuse, garbage, rubbish, trash, bottle, can or paper upon the beach or Strand other than into a container authorized by this city and located thereon or therein for that purpose.

C. No person shall place any garbage or rubbish accumulating on any private premises in any public garbage or rubbish container or receptacle placed upon the beach or Strand which has been furnished for the use of the general public.

12.20.170 Hazardous areas--Designation.

Whenever any lifeguard finds that because of extra high surf, riptide or other hazardous conditions, it is unsafe for the average person to swim or bathe within a certain area of the waters of the Pacific Ocean adjacent to the beach,

during the time such hazardous conditions exist such lifeguard may instruct all persons not to swim or bathe in such area. Every person shall comply with such instructions.

12.20.180 Inflated equipment.

No person shall use in the Pacific Ocean adjacent to the beach any inflated equipment of any kind except a standard surf mat which is:

- A. Constructed of a durable material with a nonslippery surface; and
- B. So constructed that, when inflated for use, it will not fold in any direction; and
- C. Not smaller than twenty-four (24) inches by forty (40) inches; and
- D. Not larger than thirty (30) inches by sixty (60) inches; and
- E. Equipped with a safety rope.

12.20.190 Lifeguards and police officers.

No person shall fail or refuse to obey any reasonable command, order, instruction or direction of any lifeguard or police officer given in connection with or with reference to the use, operation, manipulation or handling of any boat, surfboard, paddleboard or other surf or wave riding equipment or device, or fail or refuse to remove the same from the surf or waters of the Pacific Ocean adjacent to the beach when requested to do so by any of such lifeguards or police officers.

12.20.200 Lifesaving apparatus.

No person shall unwind or remove or in any way tamper with a buoy or lifeline, or rope, reels or other paraphernalia connected with the lifesaving apparatus on any portion of the beach or Strand or any lifeguard station or tower or similar facility except to use the same for the purpose for which they are intended, and only for the purpose of attempting to rescue or save any person in actual or apparent danger.

12.20.210 Loitering.

No person shall loiter on any portion of the beach or Strand at any time during the hours of 12:00 midnight and 6:00 a.m. of the following day.

12.20.220 Motorized and electric wheeled devices.

No electric or motorized bicycle, moped, electric scooter, electric skateboard, or motorized vehicle (as defined in Section 10.04.010) of any kind other than those used for the purpose of protecting life or property shall be ridden, pedaled, walked, carried onto or otherwise enter any portion of the Strand walkway, Pier Plaza, or beach at any time when the motorized- or electric-propelled power is in use. A violation of this section shall be an infraction. (Ord. 18-1387 §5 (part), 2018: prior code § 5-24)

12.20.224 Designated in-line skating areas.

The following areas are designated recreational areas in which in-line skating is permitted:

- A. The Strand.
- B. The bike path between 24th Street and the northern city limit. (Ord. 16-1370 §2, 2016; Ord. 98-1183, 1998)

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

A. Prohibited. It is unlawful for any person to ride or operate any wagon, box on wheels, or any other method of riding or locomotion on wheels, including use of an electric personal assistive mobility device ("EPAMD") (as defined by Vehicle Code Section 313), or any wheeled equipment with motorized- or electric-propelled power in use on any portion of the Strand walkway and the Pier Plaza, except for the following:

1. Roller skates;
2. Human-powered skateboards;

3. Human-powered scooters;
4. Human-powered, nonmotorized bicycles or tricycles with a width of not more than thirty-six (36) inches used for recreational purposes;
5. Conveyances, including EPAMDs, by any person who, by reason of physical disability, is unable to move about as a pedestrian and is in possession of a distinguishing disabled parking placard issued pursuant to the California Vehicle Code; and
6. EPAMDs operated by federal, state or local government personnel in the performance of official duties.

B. Required to Yield Right-of-Way to Pedestrians. Under all circumstances, the rider or operator of a wheeled vehicle or device, including bicycles, skateboards, scooters, and roller skates, on the Strand walkway shall yield the right-of-way to pedestrians, and due and proper care shall at all times be exercised by the rider or operator for the pedestrians.

C. Group Riding. When more than two (2) persons in a group are riding or operating wheeled vehicles or devices, including bicycles, skateboards, scooters, and roller skates, on the Strand walkway, no more than two (2) shall ride side by side.

D. Racing--Trick Riding. It is unlawful for any person riding or operating any wheeled vehicle or device to race any other such vehicle or device or person along the Strand walkway, or to indulge in any kind of trick or unsafe riding or operating.

E. Dangerous Speed--Penalty. It shall be deemed reckless and dangerous if any person rides or operates any wheeled vehicle or device permitted on the Strand walkway, including bicycles, skateboards, scooters, and roller skates, in excess of eight (8) miles per hour, at an unsafe speed under existing conditions, or operates such vehicle or device permitted on the Strand walkway in such a reckless, wanton or careless manner as to constitute unsafe riding or operating, and any person so operating or riding said vehicle or device shall be guilty of an infraction.

F. Designated Walk Zones. The city council by a majority vote may designate certain areas of the Strand walkway as a walk zone in which bicycling, skateboarding, or scooting is prohibited, based on appropriate studies and/or staff recommendations, and may designate those areas as walk zones by amendment to this subsection and ordering the placement of appropriate signs, barricades, markings, flashing lights, delineations or devices signifying "Walk Zone Ahead" at least fifty (50) feet prior to the designated zone; and the placement of appropriate regulatory signs at the beginning of the walk zone such as, "Walk Bikes and Skateboards when Flashing." The end of the walk zone shall be designated by signs indicating "resume riding beyond this point." It is unlawful to ride a bicycle, scooter, or skateboard when the following designated walk zone is in effect:

1. The Strand walkway between the centerline of 11th Street and 14th Street.

G. Parking. No person operating any wheeled vehicle or device on the Strand walkway shall park said vehicle or device in front of any entrance to the public beach or to public or private property, or in any way hinder, delay or obstruct the movement of pedestrians or emergency vehicles or other wheeled vehicles or devices upon the surface of said walkway.

H. Applicability of Traffic Regulations. Every person riding a bicycle on the Strand walkway shall be granted all the rights and be subject to all of the duties applicable to the driver of a vehicle by Title 10 of this Code, except those provisions which by their very nature can have no application to such persons.

I. Violation. Violation of any provision of this section shall be an infraction.

12.20.240 Overnight camping.

No person shall camp on or use for overnight sleeping purposes any portion of the beach or Strand, or bring a house trailer or similar vehicle onto the beach or Strand and a violation of this section shall be an infraction.

12.20.250 Pollution of water.

A. Oil Pollution. No person shall deposit, throw, divert or in any manner dispose of, or cause or permit to be deposited, placed, thrown, diverted or in any manner disposed of within the city, any petroleum, refined petroleum, engine oil or any oily by-product thereof, or any tar or any product containing tar, or any oily substance into or upon the waters of the Pacific Ocean, or into or upon the waters of any lagoon, bay, inlet or tributary thereof; or shall deposit, throw, place, divert or in any manner dispose of, or cause or permit to be deposited, thrown, placed, diverted or in any manner disposed of, any crude petroleum, refined petroleum or any oily substance upon any beach, tideland, or submerged land or any portion thereof, within the city.

B. Indirect Oil Pollution. No person shall deposit, place, throw, divert, keep, maintain or in any manner dispose of, or cause or permit to be deposited, placed, thrown, diverted, kept, maintained or in any manner disposed of, any crude petroleum, refined petroleum, engine oil or any oily by-product thereof or any tar or any product containing tar, or any oily substance into, along or upon any land, premises or place within the city in such manner that the same, or any portion thereof, may run or be transferred or carried to, or be in any manner deposited upon or conveyed to any beach, tideland or submerged land, or any portion thereof, or into or upon the waters of the Pacific Ocean, or into or upon the waters of any lagoon, bay, inlet or tributary thereof.

C. Discharge of Bilge Water Containing Petroleum Products. No person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, ship or barge used, or having been used, for the transportation in bulk of crude petroleum, refined petroleum, engine oil or any oily by-product thereof other than gasoline, distillate, tops or other similar volatile product, shall discharge, or cause or permit to be discharged, from such boat, vessel, ship or barge any ballast water, bilge water or waste water containing, or contaminated with, any such crude petroleum, refined petroleum, engine oil or oily by-product within the city unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.

No person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, ship or barge using fuel oil for the generation of power shall discharge, or cause or permit to be discharged, from such boat, vessel, ship or barge any bilge water or waste water containing, or contaminated with, any such fuel oil within the city, unless the same is discharged into suitable and adequate settling basins, tanks or other receptacles.

The provisions of this section, however, shall not be deemed nor construed to require any such ballast water, bilge water or waste water to be discharged into any such settling basin, tank or other receptacle if such ballast water, or waste water, before the discharging thereof, shall have been passed through, or treated by, some adequate oil separating device or process and such crude petroleum, refined petroleum, engine oil, oily by-product or fuel oil be separated or removed therefrom.

D. Other Pollution. No person shall deposit, throw, place or in any manner dispose of any dead animal or portion thereof, or any vegetable matter or animal matter, or any offal, night soil, manure, rubbish, trash, garbage or any decaying or putrid matter, material or substance, or any matter, material or substance which is or might become injurious to health or which is or might become a nuisance or offensive to the senses of any persons coming into proximity thereto, into the waters of the Pacific Ocean, or into the waters of any lagoon, bay, inlet or tributary thereof; or in, upon or along any beach, tideland or submerged land, or any portion thereof within the city, or to keep or maintain or cause or permit to be kept or maintained upon the premises or in or at any place in the city any article, substance or thing hereinabove in this section enumerated, in such a manner that any such article, substance or thing, or any portion thereof, may be transferred or carried to, or be in any manner deposited upon or conveyed to any beach, tideland, or submerged land, or any portions thereof, or into or upon the waters of the Pacific Ocean or into or upon the waters of any lagoon, inlet or tributary thereof.

12.20.260 Safety practices.

A. Every person engaged in the operation, manipulation or handling of boats, surfboards and other surf and wave riding devices or equipment in and upon the beach or in or upon the waters of the Pacific Ocean adjacent to the same shall at all times have due regard for the safety of other persons in the vicinity.

B. It shall be the duty of lifeguards and police officers patrolling the beach and Strand and safeguarding the lives and property upon the same to observe the manner in which all boating, fishing and wave riding devices and equipment are being handled and to issue such orders and commands, directions and instructions in connection with or with

reference to the aforementioned activities as may be necessary to safeguard lives and persons or property near or in the vicinity of such persons so engaged.

12.20.270 Removal of sand.

No person shall remove any sand or gravel from any part of the beach and a violation of this section shall be an infraction.

12.20.280 Shooting.

No person shall discharge or shoot any firearms, air gun, slingshot, or bow and arrow anywhere on the beach or Strand.

12.20.290 Signals of danger.

No person shall give or transmit a signal or cause or permit to be transmitted or given signals in any manner, which signal calls attention to a person drowning or in danger, if it appears that there is no reasonable cause for such signal or if such signal is given jokingly or for no other reason than to excite alarm. A violation of this section shall be an infraction.

12.20.300 Solicitation.

A. Except as provided in subsection (D) of this section, no person shall solicit, peddle, offer for sale or conduct or consummate the sale of any service on the beach or the Strand.

B. Except as provided in subsection (D) of this section, no person shall sell or offer for sale any commodity, merchandise, wares, product, foods, refreshments or beverages on the beach or the Strand absent a sidewalk vending permit issued pursuant to Chapter 12.38.

C. No person shall distribute any handbills, advertising matter or literature on the beach or the Strand unless such material is personally delivered to persons who indicate a willingness to accept the same in hand.

D. The prohibitions contained in this section shall not apply to the sale of food, nonalcoholic beverages, or branded merchandise from an event producer on the beach allowed pursuant to a special event permit issued pursuant to Chapter 12.30 in connection with events located on the beach and as to which the city council determines that food and beverage sales are necessary and convenient to accommodate persons in attendance. (Ord. 19-1391 §6 (part), 2019; Ord. 16-1370 §3, 2016; Ord. 05-1249 § 1, 5/2005; Ord. 96-1151 §4, 1996: prior code § 5-31)

12.20.310 Destruction or mutilation of structures.

No person, other than a duly authorized person in the performance of his duties, shall:

A. Cut, break, injure, deface or disturb any building, monument, sign, fence, bench, structure, apparatus, equipment, or property on the beach or Strand; or

B. Mark or place thereon or over any portion thereof any mark, writing or printing, or attach thereto any sign, card, display or similar device; or

C. Break, destroy or otherwise tamper with any electric light poles, globes, lights or other material or apparatus belonging to, or connected with, the electric lighting system of this city.

A violation of any provision of this section shall be an infraction. (Prior code § 5-32)

12.20.320 Surfboards, surf mats and paddleboards--Use of.

A. A person may surf not more than fifty (50) yards beyond the farthest breaking wave when such farthest breaking wave is more than one hundred fifty (150) yards from shore.

B. No person shall use, possess or operate in the waters of the Pacific Ocean adjacent to the beach any object commonly known as a surfboard, paddleboard or other similar device (but not including surf mats and belly boards) at such times when said waters are restricted for swimming and bathing only.

Such restriction shall be effective when a yellow flag having dimensions of not less than two (2) feet by two (2) feet and having a solid black circle in the center (commonly known as a "blackball flag") is prominently displayed from

a lifeguard tower, lifeguard station, pier or similar structure. At such times as the blackball flag is displayed, swimming and bathing only shall be permitted in the waters of the Pacific Ocean adjacent to the beach within two hundred (200) yards of the point of display of said blackball flag; provided, however, that where said blackball flag is displayed from consecutive operational lifeguard towers, lifeguard stations and similar structures then all waters of the Pacific Ocean adjacent to said beach shall be restricted to swimming and bathing only.

Such restrictions shall also be indicated by pairs of red flags put in place by lifeguards. At such times as said red flags are displayed, swimming and bathing only shall be permitted in the waters of the Pacific Ocean adjacent to those areas of the beach lying between a given pair of such red flags.

C. No person shall use, possess or operate in the waters of the Pacific Ocean adjacent to the beach any object commonly known as a surf mat, paddleboard, belly board, surfboard or similar device except within two hundred (200) yards from shore or seventy-five (75) yards seaward of the point at which the average wave is breaking, whichever distance is greater, or when used by a skin diver to hold flag required by Section 12.20.070(C).

D. No person shall bring or permit or allow in the waters of the Pacific Ocean adjacent to the beach any object commonly known as, or used as, a paddleboard or surfboard within one hundred (100) feet of any person in the waters thereof who is not at that time using or possessing a similar object.

E. No person shall operate or otherwise use a surfboard in the waters of the Pacific Ocean within one hundred (100) feet of this city's municipal pier.

F. A person in violation of the restrictions set forth in this section shall not fail, refuse or neglect to leave the waters of the Pacific Ocean adjacent to the beach when such restrictions are in force.

G. The distance from shore as specified above shall mean the distance measured at right angles to the tangent of the actual line between the water and the unsubmerged beach as it exists at the time of measurement. (Prior code § 5-33)

12.20.330 Tents.

Except as may be permitted under a special event permit issued pursuant to Chapter 12.30, no person shall erect, maintain, use or occupy on the beach any tent or other temporary covering or shelter unless there exists an unobstructed view inside the tent from at least one side. Tents or other temporary coverings or shelters are prohibited within ten (10) feet of the Strand.

12.20.340 Exceptions.

The provisions of this chapter are not applicable to acts performed:

A. In an emergency, for the purpose of protecting life or property;

B. By employees of the city or of the county of Los Angeles or other public body maintaining the beach, for the purpose of performing their duties;

C. For the purpose of giving instruction, training or exhibitions, when specific permission to give such has been obtained from the city council or the park and recreation commission. (Prior code § 5-35)

12.20.350 Obstructing free movement.

No person shall stand, sit, lie or congregate on the Strand in such manner as to interfere with or impede the free flow of travel along the Strand. (Ord. 00-1209 §6, 2000)

Section 2. Environmental Review. The City Council finds that adoption and implementation of this ordinance is not a "project" for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this ordinance is

exempt from the provisions of CEQA as an administrative activity by the City of Hermosa Beach, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines.

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

Section 4. Pursuant to California Government Code section 36937, this ordinance shall take effect thirty (30) days after its final passage.

Section 5. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Hermosa Beach's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this ____th day of _____, 2022.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

MAYOR of the City of Hermosa Beach, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney