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ORDINANCE NO. 18-1387

AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE HERMOSA BEACH MUNICIPAL CODE TO TEMPORARILY PROHIBIT SHARED MOBILITY DEVICES FROM BEING: OFFERED FOR USE ANYWHERE IN THE CITY; PLACED IN ANY PUBLIC RIGHT-OF-WAY OR PUBLIC PROPERTY; OR OPERATED ON ANY PUBLIC PROPERTY OR RIGHT-OF-WAY IN THE CITY; AND AMENDING TITLE 12 (BEACH AND STRAND REGULATIONS) TO FURTHER CLARIFY REGULATIONS ON THE USE OF WHEELED DEVICES ON THE STRAND WALKWAY

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

SECTION 1. Findings.

A. Recent transportation and technology innovations and community interest in new mobility options have created a new market of both privately-owned and on-demand dockless electric scooters and bicycles (referred to as shared on-demand personal mobility devices). While this equipment offers a new form of low-emission transportation options, the technology has the ability for shared equipment to be placed or left virtually anywhere in the public right-of-way, and for both shared and privately-owned equipment to be operated by users in a manner that is considered unsafe to the operator or other users of public spaces.

B. The sudden and unforeseen proliferation of these privately-owned and on-demand shared mobility devices that operate in the public right-of-way, has created potential nuisance and safety concerns that are not adequately covered by existing definitions and regulations in the California Vehicle Code or the Hermosa Beach Municipal Code.

C. It is the belief of the City of Hermosa Beach that, based on the operation in other cities and understanding of the current technology of active operators that adequate mechanisms are not yet in place to prevent such nuisance conditions and ensure safe operation. Therefore, the City of Hermosa Beach has initiated amendments to the Municipal Code to temporarily prohibit the operations of shared on-demand personal mobility devices that operate in the public right-of-way or on public property until such time when regulations are adopted and permits are issued to address

1 potential nuisance conditions and safety concerns associated with scooter and bikeshare equipment.
2 The Hermosa Beach City Council properly reviewed and considered this matter on August 28,
3 2018. Public Notice of the hearing was published on August 16, 2018.

4 **SECTION 2.** Section 1.10.040 of Chapter 1.10 of Title 1 of the Hermosa Beach Municipal
5 Code is amended to add the following Chapter to the numerical list of chapters and sections that are
6 subject to the administrative penalty provisions of this chapter:

7 Chapter 10.44, Shared On-Demand Personal Mobility Devices;

8 **SECTION 3.** Section 10.04.010 of Chapter 10.04 of Title 10 of the Hermosa Beach
9 Municipal Code is amended to add definitions consistent with the California Vehicle Code for
10 “electric bicycle”, “motorized bicycle”, “moped”, and “motorized scooter” to read as follows:

11 **Chapter 10.04 – General Provisions**

12 **10.04.010 – Definitions.**

13 “electric bicycle” is a bicycle equipped with fully operable pedals and an electric motor of
14 less than 750 watts.

15 (1) A “class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” is a bicycle
16 equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to
17 provide assistance when the bicycle reaches the speed of 20 miles per hour.

18 (2) A “class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle,” is a bicycle
19 equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of
20 providing assistance when the bicycle reaches the speed of 20 miles per hour.

21 (3) A “class 3 electric bicycle,” or “speed pedal-assisted electric bicycle,” is a bicycle
22 equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to
23 provide assistance when the bicycle reaches the speed of 28 miles per hour, and equipped with a
24 speedometer.

25 “motorized bicycle” or “moped” is a two-wheeled or three-wheeled device having fully
26 operative pedals for propulsion by human power, or having no pedals if powered solely by electrical
27 energy, and an automatic transmission and a motor that produces less than 4 gross brake horsepower
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1 and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on
2 level ground.

3 “motorized scooter” means a two- or three-wheeled device that has handlebars, a floorboard
4 designed to be stood upon when riding, and is powered by a motor.

5 “scooter” means a two- or three-wheeled device that has handlebars, a floorboard designed
6 to be stood upon when riding.

7 **SECTION 4.** A new Chapter 10.44 is added to the Title 10 of the Hermosa Beach Municipal
8 Code to read as follows:

9 **Chapter 10.44 – Shared On-Demand Personal Mobility Devices**

10 10.44.010 – Purpose.

11 The purpose of this chapter is to prohibit Shared On-Demand Personal Mobility Devices
12 from being placed in the public right-of-way or on public property, operated in the public right-of-
13 way, or offered for use anywhere in the City until such regulations may be adopted so as to address
14 potential nuisance conditions and safety concerns related to the operation of shared on-demand
15 personal mobility equipment.

16 10.44.020 – Definitions.

17 a) “Shared On-Demand Personal Mobility Devices” shall mean any wheeled device that
18 has handlebars, and is designed to be either powered by an electric motor or other power source, or
19 to be powered by human propulsion, that is accessed via an on-demand portal, whether through a
20 smart-phone, access code, I.D. card, or similar method, and is operated by a public, private , or
21 non-profit entity that owns, manages, maintains and insures devices for shared use by members,
22 which are available to members in unstaffed, self-service locations.

23 b) “Shared On-Demand Personal Mobility Device Operator” shall mean an individual or a
24 public, private, or non-profit entity that manages Shared On-Demand Personal Mobility Devices.

25 10.44.030 – General Requirements

26 It is unlawful to provide, place, offer for use or operate a Shared On-Demand Personal
27 Mobility Device, or to operate as a Shared On-Demand Personal Mobility Device Operator in any
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1 street or public right of way, or other public place within the city in which the public has the right
2 of travel.

3 a) Any Enforcement Officer, as that term is defined in HBMC Section 1.10. is hereby
4 authorized to impound the Shared On-Demand Personal Mobility Devices of any person or Shared
5 On-Demand Personal Mobility Device Operator violating the provisions of this chapter Equipment
6 shall be subject to an impound fee established by City Council resolution.

7 b) The City Manager may promulgate regulations for the notification to the Operator and
8 return of the Devices to the Operator and as may otherwise be necessary to implement the purpose
9 of this chapter.

10 10.44.040 – Violations.

11 A violation of this chapter is subject to the administrative penalty provisions of Chapter
12 1.10 of this code. Where the violation is of a continuing nature, each day or portion thereof wherein
13 the violation continues constitutes a separate and distinct violation. It is a violation of this chapter
14 to knowingly make a false statement in any application for a license or permit or in any report
15 required under this chapter.

16 10.44.050 – Applicability of Traffic Regulations, Beach and Strand Regulations.

17 Every person riding a shared on-demand personal mobility device in the City shall be subject
18 to all of the applicable duties of the driver of a vehicle by Title 10, Vehicles and Traffic, Chapter
19 10.12 Traffic Rules, and the operator of wheeled devices by Title 12, Street, Sidewalks and Public
20 Places, Chapter 12.20 sections 12.20.220 and 12.20.230.

21 10.44.060. Sunset Clause

22 This chapter shall expire one-year from October 17, 2018 unless otherwise extended or
23 changed by an act of the Hermosa Beach City Council.

24 **SECTION 5.** Sections 12.20.220 and 12.20.230 of Chapter 12.20 Beach and Strand
25 Regulations of Title 12 of the Hermosa Beach Municipal Code are is amended to clarify regulations
26 on the use of wheeled devices on the Strand walkway as follows:

27 12.20.220 Motorized and electric wheeled devices.

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

6 12.20.230 Wheeled vehicles or devices on Strand walkway and Pier Plaza.

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

- 12 1. Roller skates;
- 13 2. Human-powered skateboards;
- 14 3. Human-powered scooters;
- 15 4. Human- powered, nonmotorized bicycles or tricycles with a width of not more than
16 thirty-six (36) inches used for recreational purposes;
- 17 5. Conveyances, including EPAMDs, by any person, who by reason of physical
18 disability, is unable to move about as a pedestrian and is in possession of a distinguishing disabled
19 parking placard issued pursuant to the California Vehicle Code; and
- 20 6. EPAMDs operated by federal, state or local government personnel in the performance
21 of official duties. (Ord. 04-1236 §3, February 2004)

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

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

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

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

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

19 a) The Strand walkway between the centerline of 11th Street and 14th Street.

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

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

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

1 **SECTION 6.** The City Clerk is directed to fill in the effective date in this ordinance for
2 Section 10.44.060 above.

3 **SECTION 7.** The City Clerk shall certify to the passage of this Ordinance, shall enter the
4 same in the book of original ordinances of said city, and shall make minutes of the passage and
5 adoption thereof in the records of the proceedings of the City Council at which the same is passed
6 and adopted.

7 **SECTION 8.** The City Council designated the City Attorney to prepare a summary of this
8 ordinance to be published pursuant to Government Code Section 36933(c)(1) in lieu of the full text
9 of said ordinance. The City Clerk caused said summary to be published on August 23, 2018 [five
10 (5) days before the adoption of the ordinance] in *The Easy Reader*, a weekly adjudicated newspaper
11 of general circulation, published and circulated in Hermosa Beach. Prior to the expiration of fifteen
12 (15) days after the date of adoption of the ordinance, the City Clerk shall cause the summary to be
13 re-published in *The Easy Reader*.

14 **SECTION 9.** The City Clerk shall certify to the passage of this Ordinance, shall enter the
15 same in the book of original ordinances of said city, and shall make minutes of the passage and
16 adoption thereof in the records of the proceedings of the City Council at which the same is passed
17 and adopted.

18 **SECTION 10.** This Ordinance shall become effective and be in full force and effect from
19 and after thirty (30) days of its final passage and adoption.

20 **PASSED, APPROVED and ADOPTED** this 17th day of September, 2018 by the following vote:

21 AYES:
22 NOES:
23 ABSENT:
24 ABSTAIN:

25 _____
26 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

27 ATTEST:

APPROVED AS TO FORM:

28 _____
City Clerk

City Attorney