



Legislation Details (With Text)

**File #:** REPORT 24- 0296    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Consent Calendar

**File created:** 6/3/2024    **In control:** City Council

**On agenda:** 6/4/2024    **Final action:**

**Title:** ADOPTION OF AN URGENCY ORDINANCE 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)  
(City Attorney Patrick Donegan)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Urgency Ordinance, 2. Draft Resolution, 3. SUPPLEMENTAL PowerPoint

Date	Ver.	Action By	Action	Result
6/4/2024	1	City Council	adopted	Pass

**Honorable Mayor and Members of the Hermosa Beach City Council  
Special Meeting of June 4, 2024**

**ADOPTION OF AN URGENCY ORDINANCE 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)**  
(City Attorney Patrick Donegan)

**Recommended Action:**

Staff recommends City Council:

1. Waive reading in full of an Urgency Ordinance (**Attachment 1**) and declare that said title, which appears on the public agenda, shall be determined to have been read by title;
2. Adopt Urgency Ordinance regulating electric bicycles in the City; and
3. Adopt a resolution (**Attachment 2**) specifying fines for violations of the Urgency Ordinance.

**Executive Summary:**

As requested by City Council at its September 12, 2023, October 10, 2023, and January 23, 2024 meetings, staff presents this report regarding the City’s existing electric bicycle (e-bike) regulations and an urgency ordinance further regulating electric bicycles in the City. The urgency ordinance (**Attachment 1**) requires four-fifths vote of the City Council and, if approved, will take effect immediately.

**Background:**

At its September 12, 2023 meeting, Councilmember Saemann requested, and Mayor Jackson supported, directing staff to return with an information item regarding the City’s current e-bike regulations and an update on what other jurisdictions are doing to address some of the negative impacts of e-bike use in its respective jurisdiction. At its October 10, 2023 meeting, City Council discussed the item and expressed interest in further discussing specific regulations and enforcement options to address this issue. At its January 23, 2024 meeting, the City Council received a report and directed further investigation into an ordinance that is non-duplicative of other regulations for the City pertaining to electric bikes in the City.

***Past Board, Commission, and Council Actions***

<b>Meeting Date</b>	<b>Description</b>
September 12, 2023	Councilmember Saemann requested, and Mayor Jackson supported, directing staff to return with an information item covering existing e-bike regulations in the City and options for further regulation.
October 10, 2023	Consensus by a majority of Council members to bring back more specific regarding additional regulations on the use of bicycles and e-bikes in the City and options for enforcement and impoundment.
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 ( <i>i.e.</i> , State Vehicle Code).

**Discussion:**

**Existing City Regulations**

The Hermosa Beach Municipal Code (“HBMC”) currently prohibits the use of e-bikes, while the electric power is in use, anywhere on the Strand, Pier Plaza, or beach (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. A violation of this section is an infraction. Enforcement of this type of regulation is challenging in cases where the speed of the rider makes it difficult to determine if the electric power is in use.

HBMC Section 12.20.230 further 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 Section 12.28.010 (l) also 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. A violation of this section is also an infraction.

### Recent Enactments by Other Jurisdictions

The City is not alone in addressing the e-bike issue in its jurisdiction. At its September 5, 2023 meeting, the City of Manhattan Beach adopted an urgency ordinance regulating e-bikes in its jurisdiction. Among other things, its ordinance:

- Prohibits riding on City sidewalks, plazas, grass areas, the Strand, parking structures owned or operated by the City, County, or State, and Veterans Parkway.
- Prohibits riding at speeds over 15 miles per hour on the Marvin Braude Bike Trail (*i.e.* Beach Bike Path) and maintains the current “Walk Only Zone” on both sides of the pier.
- Requires wearing of properly strapped helmets for all riders under 18 years of age.
- Requires riders to use bike lanes where possible, and on streets without bike lanes, to ride close to the right curb or edge of roadway.
- Requires riders to ride in single file, and not more than two abreast.
- Prohibits riding on the back of a bicycle or e-bike without a seat.
- Prohibits speeding, racing, or stunt activity.
- Reaffirms requirements to yield to pedestrians at all times.
- Stipulates that violations of the ordinance will result in a first-time fine of \$500 and a misdemeanor charge. The second violation within a year will result in a \$750 fine and will increase to \$1,000 for each additional violation within a year of the first violation.

The City of Manhattan Beach urgency ordinance stipulates that violations of this new urgency ordinance may be prosecuted as “an infraction, misdemeanor, or administrative citation.” Some of the prohibited actions in the Manhattan Beach ordinance are already prohibited in one way or the other in the City via existing Municipal Code provisions and/or the California Vehicle Code. However, reliance on the California Vehicle Code removes some measure of local control over the fine amounts and processing of the citations as violations of the Vehicle Code are processed and assessed (*i.e.*, fine amounts) by State law and the court system.

At its September 19, 2023 meeting, the City of Huntington Beach introduced on first reading an amendment to its e-bike regulations. Among other things, this ordinance allows the impounding 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. The e-bike is then subject to release to a responsible adult upon the payment of an impound fee. The process of readily releasing the impounded e-bike likely curtails any due process arguments regarding the seizure of property in that no other requirements are required to get the e-bike back (e.g., admission of guilt for the underlying citation or arrest, completion of e-bike training, etc.).

### Urgency Ordinance and Existing City Regulations

The City's existing ordinance is relatively unambiguous as it states that one cannot ride with electric power in use on the Strand, Pier Plaza, or beach. However, enforcement has proven somewhat challenging as being completely sure the electric power is in use is not always straightforward, the ramifications of any violation are somewhat muted, and the City's Police Department has other enforcement responsibilities in the City.

A violation of the City's e-bike regulations is limited to an infraction and a limited fine amount associated with an infraction, which is \$100 for the first violation, \$200 for the second violation of the same provision of the code within one year, and \$500 for each additional violation of the same provision of the code within one year.

Existing regulations on e-bikes are found in different sections based on the location for which the e-bikes are in use-HBMC Sections 12.20.220 and 12.20.230 for Strand/Pier Plaza regulations and 12.28.010 for regulations on City parks. Chapter 10.12 for Traffic Rules also contains existing rules regarding bicycles, skateboards, and other wheeled devices in the City. Although regulations within the traffic rules are not geared toward the issues the City is facing with dangerous and prolific e-bike use, it is a logical place for citywide e-bike regulations and related dangerous riding of bicycles. The attached urgency ordinance (**Attachment 1**) proposes the addition of HBMC Section 10.12.175 specifically dealing with the operation and use of electric bicycles in the following ways:

- Requiring a properly fitted helmet for all riders under the age of 18.
- 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.

The proposed urgency ordinance (**Attachment 1**) would also increase the enforcement options for the City by making violations of this new section, as well as other City Municipal Code sections on e-bikes, subject to administrative citations and providing discretion to Hermosa Beach Police Department to impound any electric bicycle ridden by a juvenile or adult in violation of the City's regulations in a manner that is dangerous to others. Impounded bikes would be released upon the payment of an impound fee.

Finally, the proposed urgency ordinance would add Chapter 5.82 to implement regulations on the rental of e-bikes in the City. Specifically, a requirement that any business that rents e-bikes in the City must include “geo-fencing” technology that would ensure rented e-bikes in the City cannot utilize the motor function while on the Strand, Pier Plaza, the Greenbelt or anywhere else e-bikes are prohibited from using its motor function.

Staff recommends City Council consider adoption of the attached urgency ordinance, and corresponding resolution regulating electric bicycles in the City.

**Fiscal Impact:**

There is no fiscal impact associated with the recommended action.

**Attachments:**

1. Draft Urgency Ordinance
2. Draft Resolution

**Respectfully Submitted by:** Patrick Donegan, City Attorney

**Legal Review:** Patrick Donegan, City Attorney

**Approved:** Suja Lowenthal, City Manager