

URGENCY ORDINANCE NO. 23-0008-U

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING AND RESTATING MUNICIPAL CODE CHAPTER 3.01 AND AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE RELATING TO BICYCLES TO CLARIFY AND ESTABLISH SAFETY AND OPERATIONAL REQUIREMENTS FOR ELECTRIC AND MOTORIZED BICYCLES, AND DECLARING THE URGENCY THEREOF

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 2.22.010 of Chapter 2.22 (Duties of Community Services, Police Service and Code Enforcement Officers) of Title 2 (Administration) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

“2.22.010 Enforcement of Municipal Code and California Vehicle Code.

Pursuant to the provisions of California Penal Code Section 836.5, Community Services Officers, Police Services Officers, and Code Enforcement Officers have the duty and are empowered to enforce all provisions of this code and to arrest persons and issue citations for violations. Pursuant to the provisions of California Penal Code Section 836.5, Community Services Officers and Police Services Officers have the duty and are empowered to enforce and to arrest persons, issue citations for violations of Division 11 of the California Vehicle Code, and issue administrative citations for violations of the Municipal Code pursuant to Chapter 1.06 and Division 11 of the California Vehicle Code, to the extent permitted by law.”

SECTION 2. Chapter 3.01 of Title 3 (Public Safety) of the Manhattan Beach Municipal Code is amended and restated in its entirety to read as follows:

“Chapter 3.01 BICYCLES.

3.01.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

“Bicycle” has the same meaning as set forth in California Vehicle Code Section 231, as it may be amended from time to time.

“Beach Bicycle Path” has the same meaning as set forth in Section 14.28.130 of this Code.

“Electric Bicycle” means all bicycles and off-road bicycles equipped with operable pedals and/or an electric motor of less than 750 watts, and shall include Class 1, Class 2, and Class 3 units as defined in California Vehicle Code Section 312.5, as it may be amended from time to time.

“Motorized Bicycle” has the same meaning as set forth in California Vehicle Code Section 406, as it may be amended from time to time.

“Operator” means a person who owns, operates, and/or controls a bicycle, electric bicycle, or motorized bicycle.

“Strand” means the paved public right-of-way defined in Section 12.01.030 of this Code.

“Trailer, Sidecar, or Similar Device” has the same meaning as set forth in California Vehicle Code Section 467.5(b), as it may be amended from time to time.

“Vehicle” has the same meaning as set forth in California Vehicle Code Section 670, as it may be amended from time to time.

3.01.020 Operation of bicycles, electric bicycles, and motorized bicycles.

It shall be unlawful for any person to ride or operate a bicycle, electric bicycle, or motorized bicycle in the City unless such bicycle, electric bicycle, or motorized bicycle complies with all of the following rules of the road:

- A. Every bicycle, electric bicycle, and motorized bicycle shall be equipped with a brake adequate to skid the front or rear tire of the bicycle upon application of the brake.
- B. Every bicycle equipped with a trailer, sidecar, or similar device must have the device securely attached to the bicycle.
- C. Every bicycle, electric bicycle, or motorized bicycle operated at any time from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernable any person or vehicle on the streets or sidewalks, shall be equipped with lights affixed to the front and back of the bicycle, electric bicycle, or motorized bicycle, which lights shall be visible for a distance of 300 feet from the bicycle, electric bicycle, or motorized bicycle.
- D. No person shall ride or operate a bicycle, electric bicycle, or motorized bicycle on any sidewalk, except as specifically permitted in this section.
- E. Minors under the age of 14 years, exercising due care and giving the pedestrian the right of way, may ride and operate their bicycles upon the sidewalk, except such sidewalks located adjacent to schools, religious institutions, restaurants, retail stores, the Civic Center, the Joslyn Community Center, the Metlox property, and the Los Angeles County Library.
- F. Each person riding or operating a bicycle, electric bicycle, or motorized bicycle on a highway or street shall keep such bicycle, electric bicycle, or motorized bicycle in marked bike lanes. On streets without bike lanes, such person shall keep the bicycle, electric bicycle, or motorized bicycle as close to the right hand

- curb or edge of the roadway as possible, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when preparing to make a left-hand turn; provided, however, if a highway or street carries traffic in one direction only and has two or more marked traffic lanes, such persons may ride as near the left-hand curb or edge of such roadway as possible, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- G. Persons riding or operating bicycles, electric bicycles, or motorized bicycles in the City shall not ride more than two abreast except on paths or parts of a roadway set aside for the exclusive use of bicycles; and provided, further than minors riding on bicycles on the sidewalk pursuant to subsection (E) shall do so in single file.
 - H. No person riding or operating a bicycle, electric bicycle, or motorized bicycle shall cling or attach themselves or their bicycle, electric bicycle, or motorized bicycle to any other moving vehicle or persons in any other vehicle.
 - I. No person riding or operating a bicycle, electric bicycle, or motorized bicycle shall transport another person upon the bicycle, electric bicycle, or motorized bicycle unless such passenger is seated upon a separate seat attached to the vehicle. If the passenger is four years of age or younger, or weighs 40 pounds or less, the seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle, electric bicycle, or motorized bicycle.
 - J. No person riding or operating a bicycle, electric bicycle, or motorized bicycle in the City shall tow any other vehicle.
 - K. No person riding or operating a bicycle, electric bicycle, or motorized bicycle shall participate in any race or speed contest unless permitted by the City.
 - L. No person riding or operating a bicycle, electric bicycle, or motorized bicycle shall perform or attempt to perform any acrobatic, fancy or stunt riding.
 - M. Every person operating a bicycle, electric bicycle, or motorized bicycle in the City shall stop for all arterial highways and traffic signals.
 - N. No person shall park any bicycle, electric bicycle, or motorized bicycle against windows or parking meters or on a sidewalk such that the bicycle, electric bicycle, or motorized bicycle obstructs sidewalk accessibility or passage, nor in such manner as to constitute a hazard to pedestrians, traffic or property.
 - O. No person shall ride or operate a bicycle, electric bicycle, or motorized bicycle faster than is reasonable and proper, having due regard for weather, visibility, pedestrian and vehicular traffic, and the surface and width of the sidewalk, and in no event at a speed that endangers the safety of any person or property.

- P. No person shall ride or operate a bicycle, electric bicycle, or motorized bicycle upon any playground, park, or school ground where children are playing.
- Q. The operator of any bicycle, electric bicycle, or motorized bicycle involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and shall give their name, address and the license number of their bicycle, electric bicycle, or motorized bicycle to the person with whom they were in collision and obtain the same information from the other person. It shall be the duty of the operator to make a written report of any accident resulting in death or injury to the Police Department within 24 hours of such accident.
- R. It shall be unlawful for any person to operate a bicycle, electric bicycle, or motorized bicycle upon any street or highway of the City while under the influence of an alcoholic beverage and/or any drug.
- S. All operators and passengers under 18 years of age shall wear a helmet while riding or operating a bicycle, electric bicycle.
- T. Bicycles, electric bicycles, and motorized bicycles must yield to pedestrians at all times.
- U. Bicycles, electric bicycles, and motorized bicycles shall not exceed 20 miles per hour on the Beach Bicycle Path.

3.01.040 Prohibited Locations for electric bicycles and motorized bicycles.

No person shall ride or operate an electric bicycle or motorized bicycle on any of the following:

- A. City sidewalks, walk streets, plazas, grass areas, lawns, the Civic Center, the Los Angeles County Library, the Metlox property, the Strand, and parking structures and parking lots owned or operated by the City, County of Los Angeles, or State of California.
- B. Other public property where signs prohibiting such activity are conspicuously posted.

3.01.050 Exception.

This chapter is not intended to apply to or otherwise restrict bicycles, electric bicycles, and motorized bicycles 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.).”

SECTION 3. Subsection (E) of Section 12.48.050 (Conduct in Parks) of Chapter 12.48 (Park Rules) of Title 12 (Beaches, Parks and Recreation) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

“E. Riding or parking of bicycles, tricycles, unicycles, electric bicycles, motorized bicycles, or similar apparatus outside of clearly designated areas;”

SECTION 4. Section 14.08.040 of Chapter 14.08 (Enforcement and Obedience to Traffic Regulations) of Title 14 (Traffic) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

“14.08.040 Traffic regulations apply to persons riding bicycles or animals.

Every person riding a bicycle, electric bicycle, or motorized bicycle, or driving an animal upon a highway has all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter except those provisions which by their very nature can have no application.”

SECTION 5. Section 14.28.140 of Chapter 14.28 (Miscellaneous Driving Rules) of Title 14 (Traffic) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

“14.28.140 Bicycle path hazard.

Any public safety officer (Police Officer, Lifeguard or Firefighter) may declare that the number of pedestrians and bicyclists is sufficient so as to create an undue hazard upon the bicycle path. When such conditions exist, a “Walk Only” zone may be created to require the walking of bicycles, electric bicycles, and motorized bicycles in the designated area of the bicycle path. Where signs are erected, or flashing lights are present declaring a “Walk Only” zone, it shall be unlawful for anyone to ride a bicycle, electric bicycle, or motorized bicycle in the designated area.”

SECTION 6. Section 14.28.170 of Chapter 14.28 (Miscellaneous Driving Rules) of Title 14 (Traffic) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

“14.28.170 Vehicles and certain animals prohibited in City parks.

It is hereby declared unlawful for any person to ride, drive, propel, or cause to be propelled, or park, or cause to be parked, or left standing, any motorized vehicle, motorcycle, electric bicycle, motorized bicycle, or horse on or in any City-owned park except by permission of the Chief of Police. Said prohibition shall not apply to authorized City vehicles.”

SECTION 7. In the discretion of the City Prosecutor, a violation of Sections 2 through 6 of this Ordinance may be prosecuted as an infraction, misdemeanor, or administrative citation. The penalties for a violation of the aforementioned Sections shall be consistent with the penalties set forth in Sections 1.04.010 and 1.06.040 of this Code and Resolution No. 16-0057, but in no event shall such penalties exceed the maximum penalties permitted under State law.

SECTION 8. Any provisions of the Manhattan Beach Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Manhattan Beach Municipal Code for internal consistency.

SECTION 9. If any section, subsection, clause or phrase of this Ordinance or its application is deemed invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 10. Declaration of Facts Constituting the Urgency. The Manhattan Beach Municipal Code's current regulations regarding bicycles were adopted in 1961, and most recently amended in 1972. Accordingly, the Municipal Code regulations do not address e-bicycles or motorized bicycles, and contain archaic, outdated regulations no longer applicable at this time. Due to safety concerns related to bicycles, e-bicycles, and motorized bicycles, and several recent bicycle-related deaths and injuries reported in the media, 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 bicycles, e-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 11. CEQA Findings. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. 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 of bicycles, e-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 bicycle regulations will have a significant effect on the environment.

SECTION 12. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

SECTION 13. 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.

ADOPTED on September 5, 2023.

AYES:
NOES:
ABSENT:
ABSTAIN:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:



QUINN M. BARROW
City Attorney