

## ORDINANCE NO. 4304

### AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 10.84 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO BICYCLE REGULATIONS

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

#### SECTION 1. The City Council makes the Following Findings

- A. The Huntington Beach Municipal Code's current regulations regarding bicycles were adopted in 1974 and most recently amended in 2003. Accordingly, the Municipal Code regulations do not address modern electric bicycles or motorized bicycles (collectively "e-bikes").
- B. The City of Huntington Beach Police Department has kept statistics of known e-bike collisions from January 1, 2023 until August 31, 2023. There have been 77 e-bike collisions. The majority of these collisions resulted in at least one party being injured. The largest age group reporting injuries are children under the age of 18. Further, e-bikes accounted for approximately 53% of all bicycle related collisions.
- C. Due to immediate safety concerns related to e-bike accidents and related injuries recorded by the police department, the City Council finds that this Ordinance is necessary as an emergency measure for the immediate protection of our children, preservation of the public peace, health, or safety as required by the City Charter Section 501.
- D. As provided by City Charter Section 501, this Ordinance shall go into effect immediately after its adoption.
- E. This Ordinance shall expire after 120 days or a subsequent ordinance amending Chapter 10.84 of the Municipal Code goes into effect.

SECTION 2. That Section 10.84.005 of the Huntington Beach Municipal Code, is hereby amended to read as follows:

#### **10.84.005 Definitions**

For the purpose of this Chapter, the following words and phrases are defined as follows:

**"Bicycle"** is a device upon which any person may ride, propelled by human power through a system of belts, chains, or gears, and having either two or three wheels in a tandem or tricycle arrangement.

**“Bicycle Path”** is a pathway for bicycle riders that has been physically separated from a roadway.

**“Electric Bicycle”** is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts as defined by California Vehicle Code Section 312.5(a).

**“Highway”** is a way or place of whatever nature, maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes street.

**“Moped or Motorized Bicycle”** is any two or three wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, has an automatic transmission, and a motor which produces less than 4 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground as defined by California Vehicle Code Section 406(a).

**“Motor Driven Cycle”** is a motorcycle with a motor that displaces less than 150cc per California Vehicle Code Section 405.

**“Motorized Scooter”** shall have the same definition as that of California Vehicle Code Section 407.5(a).

**“Pocket Bike”** is a two-wheeled motorized device having a seat or saddle for the use of the rider that is not designed or manufactured for highway use. A pocket bike does not include an off-highway motorcycle, as defined in California Vehicle Code Section 436. **“Bicycle lane”** is that portion of a roadway, other than state and county highways, set aside by striping for the use of bicycle riders and so designated, as provided in this Chapter.

**“Police Chief”** shall include his or her designated representative.

**“Roadway”** is that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 3. That Section 10.84.080 of the Huntington Beach Municipal Code is hereby amended to read as follow:

**10.84.080 Reserved.**

SECTION 4. That Section 10.84.120 of the Huntington Beach Municipal is hereby amended to read as follows:

**10.84.120 Impounding – Parked Bicycles**

No person shall park or leave a bicycle in the area between Pacific Coast Highway and the mean high tide line of the Pacific Ocean in a manner so as to block or impede any road, vehicle route, walkway or path, or so as to block or impede ingress or egress from any building, stair, pier or bridge. No person shall leave a bicycle locked or unlocked in any public place in

excess of 72 hours, or left abandoned as evidenced by signs of disuse or neglect. Any bicycle so parked or left abandoned may be impounded by the Community & Library Services Department or by the Police Department. The fee will be consistent with the HBPD Fee Schedule.

SECTION 5. That Section 10.84.140 of the Huntington Beach Municipal Code is hereby added to read as follows:

**10.84.140 Riding a Bicycle or Similar Conveyance in an Unsafe Manner**

No person shall ride a conventional bicycle, electric bicycle, moped, motor-driven cycle, electric motorcycle, pocket bike, or any other electric conveyance not previously named in an unsafe manner on a public roadway, highway, sidewalk, park, or private property open to the public.

- (a) Unsafe manner means a rider violating any existing Huntington Beach Municipal Code, California Vehicle Code, or other existing law. An unsafe manner can also be defined as operating the conveyance in such a way as to constitute a danger to the operator, a passenger, other motorists, other riders, or pedestrians in the area.
- (b) Examples of riding in an unsafe manner may include, but are not limited to, the following actions:
  - a. Riding on a sidewalk without due caution for pedestrians.
  - b. Riding on a sidewalk, highway, bicycle path, or bicycle lane against the flow of traffic.
  - c. Not yielding to vehicles or pedestrians when required to by the California Vehicle Code.
  - d. Intentionally swerving or riding around stopped or slowed traffic.
  - e. Operating a conveyance in a manner it was not designed for, including carrying passengers when not designed for carrying passengers.
  - f. Not obeying posted signs.
  - g. A person under the age of 18 riding without a properly fitted and fastened helmet.
  - h. Intentionally lifting one or more wheels into the air while riding on a highway, sidewalk, bicycle lane, or bicycle path.
  - i. Riding on a bicycle path, bicycle lane, or sidewalk at a speed greater than 25 mph or any speed greater than is reasonable or prudent under the conditions then existing, or at a speed which endangers the safety of persons or property.

SECTION 6. That Section 10.84.150 of the Huntington Beach Municipal Code is hereby added to read as follows:

**10.84.150 Impounding of Bicycle or Similar Conveyance**

If a juvenile subject is cited or arrested for a violation of any section in this Chapter, the officer may impound the bicycle to the Huntington Beach Police Department, such that the conveyance may be released to a responsible adult. The fee for release will be consistent with the HBPD Fee schedule. Bicycles impounded and retained by the Police Department hereunder shall be considered abandoned after a period in excess of 90 days and may be disposed of as restricted by Civil Code Sections 2080.1, 2080.2, 2080.3, 2080.4 and 2080.5.

SECTION 7. That Section 10.84.280 of the Huntington Beach Municipal Code is hereby amended to read as follow:

**10.84.280 Reserved.**

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

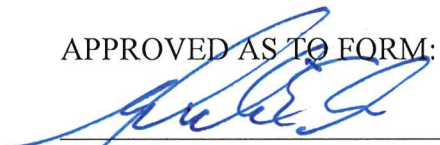

\_\_\_\_\_  
City Clerk

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

   
\_\_\_\_\_  
City Attorney

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Police Chief