



CITY OF HUNTINGTON BEACH

Memorandum to City Council

TO: City Council
Robin Estainslau, City Clerk

FROM: Bo Svendsbo, Captain

CC: Chief Eric Parra

DATE: September 18, 2023

SUBJECT: **Supplemental Communication for Item 17 (File # 23-750) on the 9/19/23 City Council Meeting Agenda**

This Supplemental Communication provides the redlined version of the changes to Huntington Beach Municipal Code Section 10 for Ordinance No. 4302.

Additionally, With the passage of this Huntington Beach Municipal Code (HBMC), officers will have the discretion to enforce this law via Civil Citation or via Criminal Citation. As with most HBMCs, sections are enforced as a misdemeanor or infraction pursuant to HBMC 1.16.010. HBMC Section 10.84.280 specifically defines violations in this chapter as infractions.

Officers are trained to use discretion where the law is flexible in order to ensure the spirit of the law is satisfied. If officers elect to write a criminal citation for a violation of this HBMC, they can either elect to send the violator to a one-day bicycle safety class, which if completed, would dismiss the citation, or send the violator to court. Once at court, the violator may still be offered the bicycle safety class, depending on the judge. If not, the violator may contest the ticket, the same as any other traffic violation.

If the officer elects to write a Civil Citation, the violator would be subject to a \$125 violation for the first offense, \$250 for the second, and \$500 for the third. The penalty is sent directly to the City of Huntington Beach and cannot be dismissed by taking a bicycle safety class. Of note, a civil citation does not affect the violator's driver's license status. i.e. if a juvenile receives a ticket, they would not be subject to having a point on their record.

The impound and confiscation costs have not been established yet, but would be set with the upcoming fee study. It is likely these fees will range from \$50-\$150.

**LEGISLATIVE DRAFT
HBMC 10.84**

Chapter 10.84 BICYCLE REGULATIONS

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 ~~exclusively~~ 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 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.

“**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 436.

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

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

10.84.080 Dealer’s Record Reserved.

~~Every person engaged in the business of buying, trading, or selling bicycles in this City shall keep at his or her place of business a record of all bicycles, bought, sold or rented by him or her, giving the date of such transaction, the name and address of the person from whom purchased or traded, or to whom sold or rented, a description of such bicycle by name and make, and the frame or serial number. Such record shall be maintained in a plain, legible handwriting in a bound book, which record shall be available for inspection by members of the Police Department at all reasonable times. Such person shall make a written report to the Police Department, giving the name, address and telephone number of all persons buying, selling or trading bicycles at his or her place of business, and the bicycle manufacturer, type, and frame number. (432-1/40, 1784-12/72, 1969-4/75, 3602-5/03)~~

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 HMPD Fee Schedule, and may be held until the sum of five dollars has been collected to defray the cost of ~~impound~~.

B10.84.140 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. Riding the conveyance in a manner other than it was designed.
 - h. A person under the age of 18 riding without a properly fitted and fastened helmet.
 - i. Intentionally lifting one or more wheels into the air while riding on a highway, sidewalk, bicycle lane, or bicycle path.
 - j. 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.

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.

10.84.280 Penalty Reserved.

It shall be unlawful for any person knowingly to violate or knowingly to permit any other person to violate any of the provisions contained in Sections ~~10.84.160~~ through ~~10.84.270~~ of this chapter, and any person violating any of the provisions contained in such sections shall be guilty of an infraction and punished upon a first conviction by a fine not exceeding \$50.00 and for a second or any subsequent conviction within a period of one year, by a fine not exceeding \$100.00. (1913-5/74, 2059-6/76, 2148-1/77)