

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1, CLASS 2, AND CLASS 3, AND OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD, BEACH AND BEACH TRAIL

WHEREAS, the San Clemente Beach Trail was constructed as a multi-use trail for use by pedestrians and bicycles, and is an important transportation and recreation opportunity for residents and visitors of San Clemente;

WHEREAS, California Assembly Bill 1096 provides definitions for electric bicycles, and allows for the operation of class 1 and class 2 electric bicycles on municipal trails and prohibits the operation of class 3 electric bicycles; and

WHEREAS, Section 12.32.130 of the Municipal Code permits the City Council to make modifications if the City Council determines that such modification will not be contrary to the public health, safety or welfare; and

NOW, THEREFORE, the City Council of the City of San Clemente, California, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Section 12.32.130 of the San Clemente Municipal Code, entitled "Cycling, skateboarding and similar activities on pier and access road," is hereby amended to read in its entirety as follows:

12.32.130 Cycling, skateboarding and similar activities on pier, access road, beach, and beach trail.

A. Prohibited Activities on Pier and Access Road.Except as provided below in Subsection (B) of this section, no person shall ride or permit to be ridden, drive, or permit to be driven, any bicycle, tricycle, skateboard, roller skates, or similar type device on the municipal pier, accesses to the pier, service roads, or beach access roads. In addition, no person shall throw any "frisbee" or other similar device on the municipal pier, accesses to the pier, service roads, or beach access roads.

B. Use of Bicycles on Beach and Beach Trail.Riding of bicycles is permitted on the Beach and Beach Trail, including those portions that overlay the beach service road, subject to the restrictions of this subsection B. Bicycles are not permitted on any portion of the Beach from June 15 through Labor Day. Riding of bicycles on the Beach Trail is not permitted between the pier and the

south end of the Trafalgar Canyon Bridge from June 15 through Labor Day. Riding of bicycles is not permitted on Riviera Beach Trail Bridge, Montalvo Beach Trail Bridge, or on the asphalt area extending north and south of the base of the pier at any time. Bicycle owners are permitted to walk their bicycles through restricted areas and at restricted times. Bicycles may be ridden at a maximum speed of ten (10) mph on all portions of the Beach and Beach Trail. Reckless riding of bicycles is prohibited, and no person shall allow his or her bicycle to block or be left unattended on the Beach and Beach Trail at any time.

C. Modification.In the event of special circumstances so warranting, the City Council may by resolution modify the requirements established herein. Modifications by the City Council shall only be made if the City Council determines that such modification will not be contrary to the public health, safety or welfare.

Section 2: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED, ADOPTED and SIGNED this _____ day of _____,

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1661 having been regularly introduced at the meeting of August 21, 2018, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 4th day of September, 2018, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____,

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY