



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: November 7, 2023

Agenda Item: 8E

Department: Beaches, Parks and Recreation

Prepared By Samantha Wylie, Beaches, Parks & Recreation Director

Subject:

INTRODUCTION (FIRST READING) OF AN ORDINANCE PROHIBITING BICYCLES AND ELECTRIC BICYCLES AT THE MUNICIPAL GOLF COURSE

Summary:

The San Clemente Municipal Golf Course has experienced an increase in the use of electric bicycles on the course causing damage to the greens and surrounding course landscaping. The Golf Course Committee and staff recommend amending the municipal code to prohibit the use of bicycles and electric bicycles on the golf course. This will allow the golf course marshals to provide adequate enforcement and contact additional departments for citation support as needed.

Background:

At its May 4, 2023, meeting, the Golf Course Committee recommended amending Municipal Code section 12.28.020 to include the prohibition of the use of electric bicycles and bicycles upon the municipal golf course.

Council Options:

- Introduce and conduct the first reading of Ordinance No. 1764 prohibiting the use of bicycles and electric bicycles on the San Clemente Municipal Golf Course.
- Amend and introduce the Ordinance.
- Provide alternate direction to staff.
- Take no action.

Fiscal Impact:

None.

Environmental Review/Analysis:

The prohibition of bicycles on the San Clemente Municipal Golf Course will not have any direct or foreseeably indirect effect on the environment and is not a “project” under the California Environmental Quality Act (CEQA).

Recommended Actions:

Staff Recommendation

Staff and the Golf Course Committee recommend the City Council introduce and conduct a first reading of Ordinance No. 1764 entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.28.020 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE PROHIBITION OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1 AND CLASS 2, ON THE SAN CLEMENTE MUNICIPAL GOLF COURSE.”

Attachment:

1. S.C.M.C. 12.28.020 – Redlined
2. Ordinance No. 1764

Notification:

Dave Cook Pro Shop

Public Notice published in San Clemente Times 10/26/2023

12.28.020 Municipal golf course—Prohibited acts.

- A. No person shall play golf or any other game on the municipal golf course without first having paid the fee required by the resolutions of the City Council fixing fees, and without having registered in the registration book provided for that purpose in the pro-shop located on the municipal golf course.
- B. No person shall trespass or go upon on the municipal golf course for any purpose whatsoever, except with the permission and authorization of the person in charge of the operation and management of the golf course, either during the time such course is open to the public or when it is closed to the public.
- C. No parents of minors under the age of 16 years shall willfully allow or permit their children to play, go upon or trespass on the municipal golf course at any time, except with the permission of the person duly authorized by the City to be in charge of such golf course, and then only when such persons authorized by the City are actually in charge thereof, and not at a time when the golf course is closed.
- D. No person shall ride or permit to be ridden, drive, or permit to be driven, any bicycle, electric bicycle, or tricycle, or similar type device on the municipal golf course.
- E. 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.

(Prior code § 16-12; Ord. No. 1664 , § 34, 9-18-2018)

ORDINANCE NO. 1764

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.28.020 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE PROHIBITION OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1 AND CLASS 2, ON THE SAN CLEMENTE MUNICIPAL GOLF COURSE

WHEREAS, the San Clemente Municipal Golf Course, located at 150 Avenida Magdalena, San Clemente, is owned and operated by the City of San Clemente and managed through certain operating standards and regulations as described and approved in Resolution No. 20-71; and

WHEREAS, the California Legislature has recognized electric bikes should no longer be regulated like scooters or mopeds and the same rules of the road apply to both e-bikes and human-powered bicycles (A.B. 1096); and

WHEREAS, the Legislature defines an "electric bicycle" as a bicycle with fully operable pedals and an electric motor of less than 750 watts, and created 3 classes of electric bicycles under California Vehicle Code Section 312.5; and

WHEREAS, pursuant to California Vehicle Code Section 21207.5(a), class 3 electric bicycles are not to be operated on specified paths or trails unless permitted by ordinance; and

WHEREAS, pursuant to California Vehicle Code Section 21207.5(b), a local agency having jurisdiction over a bicycle path or trail, equestrian trail, or hiking or recreational trail, may prohibit, by ordinance, the operation of a class 1 or class 2 electric bicycle on that path or trail; and

WHEREAS, the San Clemente Municipal Code Chapter 12.28.020 provides for acts that are prohibited upon the municipal golf course, but currently does not address the use of bicycles upon its municipal golf course; and

WHEREAS, the prohibition of bicycles on the San Clemente Municipal Golf Course will not have any direct or foreseeably indirect effect on the environment and is not a "project" under the California Environmental Quality Act.

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

Section 1: Subsections D and E and hereby added to Section 12.28.020 of the San Clemente Municipal Code, entitled "Municipal golf course—Prohibited acts," such that Section 12.28.020 shall read in its entirety as follows:

12.28.020 Municipal golf course—Prohibited acts.

A. No person shall play golf or any other game on the municipal golf course without first having paid the fee required by the resolutions of the City Council fixing fees, and without having registered in the registration book provided for that purpose in the pro shop located on the municipal golf course.

B. No person shall trespass or go upon on the municipal golf course for any purpose whatsoever, except with the permission and authorization of the person in charge of the operation and management of the golf course, either during the time such course is open to the public or when it is closed to the public.

C. No parents of minors under the age of 16 years shall willfully allow or permit their children to play, go upon or trespass on the municipal golf course at any time, except with the permission of the person duly authorized by the City to be in charge of such golf course, and then only when such persons authorized by the City are actually in charge thereof, and not at a time when the golf course is closed.

D. No person shall ride or permit to be ridden, drive, or permit to be driven, any bicycle, electric bicycle, tricycle, or similar type device on the municipal golf course.

E. 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) **ss.**
CITY OF SAN CLEMENTE)

I, Laura Campagnolo, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1764 having been regularly introduced at the meeting of _____, 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 _____ day of _____, 2011, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

 CITY CLERK of the City of
 San Clemente, California

APPROVED AS TO FORM:

 Elizabeth A. Mitchell, CITY ATTORNEY