



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

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

Meeting Date: August 20, 2024

Agenda Item: 10B

Submitted By: Code Compliance Division

Prepared By: Danielle Sorahan, Code Compliance Manager

Subject:

INTRODUCTION (FIRST READING) OF AN ORDINANCE REGULATING THE OPERATION AND USE OF ELECTRIC BICYCLES AND OTHER ELECTRIC TRANSPORTATION DEVICES AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Fiscal Impact:

None.

Summary:

The proliferation of electric bicycles (e-bikes) and other electric transportation devices in San Clemente has raised significant public safety and quality of life concerns. The proposed ordinance aims to establish comprehensive guidelines to regulate the use and operation of these devices within City limits. This includes aligning with state regulations and addressing specific local concerns such as rider safety, pedestrian interactions, and community impact. By introducing this ordinance, the City seeks to ensure that the growing use of electric transportation devices is managed in a way that protects residents, enhances public safety, and maintains the quality of life in San Clemente. The proposed ordinance, if introduced and adopted, will be incorporated as Chapter 10.62 in Title 10 - Vehicle and Traffic, of the San Clemente Municipal Code (SCMC).

Background:

On May 7, 2024, the City Council directed staff to develop an ordinance regulating the operation and use of electric bicycles based on recommendations of the Public Safety Committee. The agenda report and minutes of the City Council meeting on this item are provided, respectively, as Attachments 2 and 3. The Committee, as part of their E-bicycle/Traffic Safety Project contained in the Committee's Fiscal Year 2023-2024 Work Plan, conducted a thorough review of existing regulations and considered measures implemented by other cities.

San Clemente's existing regulations, outlined in SCMC 12.32.130, govern the use of bicycles and electric bicycles, particularly focusing on areas such as the Pier, Beach Access Road, Beach, and Beach Trail. The code defines bicycles and e-bikes, including Class 1, 2, and 3 e-bikes, and sets forth areas where these can be used or are restricted. For instance, riding of bicycles is allowed on the Beach Trail but restricted on the beach itself and certain parts of the trail during peak times. E-bikes and other motorized devices are prohibited from operating on the beach and trail, ensuring safe and regulated use in these public spaces.

Discussion:

The proposed ordinance is designed to align local regulations with state laws and address community concerns regarding safety and quality of life, and ensure the responsible use of electric transportation devices in San Clemente. The ordinance, if adopted, will amend the SCMC to align with existing portions of relevant state laws, provide applicable definitions, describe enforcement procedures and penalties, and establish the following regulations regarding the operation of e-bikes and electric motorcycles, among others, contained in the proposed ordinance provided as Attachment 1:

- **Unsafe Operation Prohibited:** No person shall ride or operate an electric bicycle, motor-driven cycle, or any other electric or motorized conveyance in an unsafe manner.
- **Passenger Restrictions:** No person riding or operating an electric bicycle, motor-driven cycle, or any other electric or motorized conveyance shall transport another person upon an electric bicycle, motor-driven cycle, or any other electric or motorized conveyance unless such passenger is seated upon a seat attached to the vehicle.
- **Requirements During Hours of Darkness:** e-bikes shall only be operated by persons 16 years of age or older, and must be operated with a front lamp emitting a white light visible from a distance of 300 feet and a rear solid or flashing red light with a built-in reflector visible from a distance of 500 feet.
- **Prohibited Actions:** Prohibits the operation of e-bikes on highways, roadways and sidewalks while performing stunts such as wheelies or endo-wheelies (“stoppies”), as well as prohibit texting while operating e-bikes.
- **Requirements for Class 3 Electric Bicycles:** Operators must be 16 years of age or older, all riders must wear a helmet, and may not be operated on any public off-road trails within the City of San Clemente.
- **Electric Motorcycles:** Electric Motorcycles are not considered an electric bicycle and are treated as a motorcycle as defined by California Vehicle Code, and shall not be operated without a motorcycle license, license plate and registration, insurance, and the riders wear DOT-approved helmets.
- **Completion of Safety Course Post-Violation:** Allow a conviction of a violation of the SCMC or the California Vehicle Code related to the operation of an e-bike to be deemed adjudicated upon the successful completion of a City-approved E-Bike Safety Course.
- **Sale/Rental Business Regulations:** All businesses within the City that provide e-bike sales or rental services to provide buyers/renters with a copy of the ordinance.

In addition to the regulations proposed by the Public Safety Committee, and initiated by the City Council on May 7, 2024, staff has included the following regulations in the proposed ordinance for the City Council’s consideration. The fifth recommended addition below, “Use of Designated

Lanes,” was submitted by a member of the public and staff concurs that it would provide a benefit if included in the ordinance.

- **Helmet Requirement:** All operators and passengers under 18 years of age shall wear a helmet.
- **Direction of Travel:** The operator of an e-bike, or other electric transportation device, shall travel in the same direction as vehicles.
- **Compliance with Safety Standards:** E-bikes are required to meet certain equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission, and may not be tampered with to change the speed capabilities of the device unless proper replacement of required labels occurs.
- **Responsibility of Parent:** The parent of any child, and the guardian of any ward, shall not authorize or knowingly permit any minor child or ward to violate any of the provisions of this Chapter.
- **Use of Designated Lanes:** E-bike riders must use designated bicycle lanes where available. In the absence of a designated bicycle lane, cyclists and e-bike riders are permitted to use sidewalks; however, cyclists must yield the right-of-way to all pedestrians and maintain a cautious speed that does not endanger pedestrian safety.

The ordinance provides two exemptions for the use of electric mobility devices by public agency personnel in the performance of their official duties, and by physically disabled persons as defined under the Americans with Disabilities Act, as long as it is operated in a safe manner.

Council Options:

- Introduce and conduct the first reading of Ordinance No. 1778 regulating the operation and use of electric bicycles and other electric transportation devices within the City.
- Modify and then introduce and conduct the first reading of Ordinance No. 1778.
- Continue the item with the direction to staff to provide additional information.
- Do not introduce Ordinance No. 1778. This action will result in no amendment to the SCMC to further regulate e-bikes, thereby leaving existing SCMC provisions in place.

Environmental Review/Analysis:

The introduction, and subsequent adoption, of an ordinance to regulate e-bikes does not qualify as a "project" under the California Environmental Quality Act (CEQA) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, § 15378, subd. (a).) The language merely modifies existing restrictions and prohibitions, absent an applicable exception, regarding the operation of electric bicycles and other forms of personal electric transportation devices on public property. In the alternative, the Ordinance falls within the “common sense” exemption set forth in State CEQA Guidelines section

15061, subdivision (b)(3), which exempts activity from CEQA where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” Here, it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment because the Ordinance simply modifies existing restrictions and prohibitions regarding the operation of electric bicycles and other forms of personal electric transportation devices on public property; the Ordinance will not result in any development or in any new activity with the potential to impact the environment.

Recommended Actions:

STAFF RECOMMENDS that the City Council introduce and conduct a first reading of an ordinance entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE TITLE 10 - VEHICLES AND TRAFFIC, ADDING CHAPTER 10.62 TO ESTABLISH REGULATIONS FOR THE OPERATION AND USE OF ELECTRIC BICYCLES AND OTHER FORMS OF ELECTRIC TRANSPORTATION AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT”.

Attachment:

1. Draft Ordinance No. 1778
2. City Council Agenda Report, with exhibits, entitled, “Consideration Of A Resolution To Adopt A Recommendation Of The Public Safety Committee And Initiate An Ordinance To Amend The San Clemente Municipal Code To Include Additional Regulations On The Use And Enforcement Of Electric Bicycles,” dated May 7, 2024
3. Minutes from the City Council Meeting, dated May 7, 2024

Notification:

None.

ORDINANCE NO. 1778

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE TITLE 10 - VEHICLES AND TRAFFIC, ADDING CHAPTER 10.62 TO ESTABLISH REGULATIONS FOR THE OPERATION AND USE OF ELECTRIC BICYCLES AND OTHER FORMS OF ELECTRIC TRANSPORTATION AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of San Clemente, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City has experienced a significant increase in the use of electric bicycles and other electric transportation devices, leading to concerns regarding public safety and the need for regulation; and

WHEREAS, existing municipal code provisions under San Clemente Municipal Code (SCMC) section 12.32.130 regulate the use of bicycles and electric bicycles, emphasizing safe and regulated use in public areas such as the Municipal Pier, Beach Access Road, Beach, and Beach Trail, and defines bicycles and e-bikes, including Class 1, 2, and 3 e-bikes, and sets forth areas where these can be used or are restricted; and

WHEREAS, the Public Safety Committee has considered the necessary components of an e-bike safety ordinance as part of the Committee’s E-bicycle/Traffic Safety Project contained in the Committee’s Fiscal Year 2023-2024 Work Plan; and

WHEREAS, the Public Safety Committee has determined that additional regulations are needed to adequately address the safety concerns and usage impacts of e-bikes, particularly in high-traffic and shared community spaces. The Committee reviewed and deliberated on the necessary contents of additional regulations at their meeting of March 26, 2024, and recommended that the City Council initiate an ordinance to amend the SCMC to enhance safety measures for both pedestrians and e-bike riders; and

WHEREAS, the City Council seeks to establish clear rules and guidelines for the operation of electric bicycles and other electric transportation devices to ensure safety and harmony within the community; and

WHEREAS, on May 7, 2024, the City Council directed staff to develop an ordinance regulating the operation and use of electric bicycles based on recommendations of the Public Safety Committee; and

WHEREAS, these regulations are designed to align with California state laws and provide a framework for enforcement and penalties for violations; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby ordain as follows:

Section 1. Incorporation of Recitals. The recitals above are true and correct and are hereby incorporated as findings as if fully set forth herein.

Section 2. CEQA. The City Council finds that this Ordinance is not a “project” subject to the California Environmental Quality Act (CEQA). The Ordinance does not qualify as a project because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, § 15378(a).) The language merely modifies existing restrictions and prohibitions, absent an applicable exception, regarding the operation of electric bicycles and other forms of personal electric transportation devices on public property. In the alternative, the City Council finds that the Ordinance falls within the “common sense” exemption set forth in State CEQA Guidelines section 15061(b)(3), which exempts activity from CEQA where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” Here, it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment because the Ordinance simply modifies existing restrictions and prohibitions regarding the operation of electric bicycles and other forms of personal electric transportation devices on public property; the Ordinance will not result in any development or in any new activity with the potential to impact the environment.

Section 3. Code Amendment. Chapter 10.62 is hereby added to the San Clemente Municipal Code to read in its entirety as follows:

Chapter 10.62: Regulations of Electric Bicycles and Other Electric Transportation Devices

Section 10.62.010- Definitions.

For the purposes of this Chapter, the following terms shall have the meanings ascribed to them in this Section:

A. “Bicycle” shall have the same meaning as set forth in California Vehicle Code Section 231, as amended from time to time.

B. “Electric Bicycle” or “E-Bike” shall have the same meaning as set forth in California Vehicle Code Section 312.5, as amended from time to time, and shall be categorized as follows:

1. Class 1 Electric Bicycle: An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

2. Class 2 Electric Bicycle: An electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

3. Class 3 Electric Bicycle: An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour. Such electric bicycles shall be equipped with a speedometer.

C. "Electric Personal Assistive Mobility Device" shall have the same meaning as set forth in California Vehicle Code Section 313, as amended from time to time.

D. "Electrically Motorized Boards" shall have the same meaning as set forth in California Vehicle Code Section 313.5, as amended from time to time.

E. "Electric Motorcycle" shall mean any electric-powered two- or three-wheeled vehicle with a motor of more than 750 watts and a lack of operable pedals. Such vehicles shall not be considered an electric bicycle and shall be treated as a motorcycle as defined by California Vehicle Code Sections 400(a) and 400(b).

F. "Highway" shall mean any publicly maintained way or place open to the use of the public for purposes of vehicular travel, including streets.

G. "Hours of Darkness" shall mean all times of the week that occur between thirty (30) minutes past sunset to thirty (30) minutes before sunrise.

H. "Low-Speed Vehicle" shall have the same meaning as set forth in California Vehicle Code Section 385.5, as amended from time to time.

I. "Motorized Scooter" shall have the same meaning as set forth in California Vehicle Code Section 407.5, as amended from time to time.

J. "Operator" shall mean any person who owns, operates, or controls a regulated mobility device.

K. "Public Area" shall mean any outdoor area open to the public for public use, whether owned or operated by the City or a private party.

L. "Regulated Mobility Device" shall include bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, motorized scooters, shared mobility devices and other similar vehicles.

M. "Rider" shall mean a traveler riding on a regulated mobility device who is not operating it.

N. "Shared Mobility Device" shall have the same meaning as set forth in California Civil Code Section 2505, as amended from time to time.

O. "Wheelie" shall mean an acrobatic stunt where the front tire or wheel is lifted off the ground due to extreme torque being applied to the rear wheel while in motion.

P. "Endo-Wheelie" or "Stoppie" shall mean a trick performed on a motorcycle or bicycle where the back wheel is lifted by abruptly applying the front brake, then reducing the brake pressure to ride for a short distance on the front wheel.

Section 10.62.020- Operation and Use of Electric Bicycles and Electric Motorcycles

A. It shall be unlawful for any person to ride or operate any electric bicycle, motor-driven cycle, or any other electric or motorized conveyance unless such ride or operation complies with the following provisions:

1. **Unsafe Operation Prohibited.** No person shall ride or operate an electric bicycle, motor-driven cycle, or any other electric or motorized conveyance in an unsafe manner. "Unsafe manner" shall mean operating in such a way as that violates any provision of state law or the City's municipal code or constitutes a danger to the operator, a passenger, other motorists, other riders, or pedestrians in the area.

2. **Helmet Requirement.** All operators and passengers under 18 years of age shall wear a helmet properly strapped while riding or operating an electric bicycle, motor-driven cycle, or any other electric or motorized conveyance, as specified in California Vehicle Code Section 21212.

3. **Direction of Travel.** The operator of a bicycle, electric bicycle, electric scooter, or electric skateboard shall travel in the same direction as vehicles are required to be driven upon the roadway, regardless of whether or not the operator is in the roadway or in a bike lane.

4. **Passenger Restrictions.** No person riding or operating an electric bicycle, motor-driven cycle, or any other electric or motorized conveyance shall transport another person upon an electric bicycle, motor-driven cycle, or any other electric or motorized conveyance unless such passenger is seated upon a seat attached to the vehicle in a safe manner. No person shall be a passenger on an electric bicycle, motor-driven cycle, or any other electric or motorized conveyance unless such passenger is seated upon a seat attached to the vehicle in a safe manner.

5. **Requirements During Hours of Darkness.**

a. During Hours of Darkness, electric bicycles shall only be operated by persons 16 years of age or older.

b. During Hours of Darkness, electric bicycles shall only be operated with a front lamp emitting a white light visible from a distance of 300 feet and a rear solid or flashing red light with a built-in reflector visible from a distance of 500 feet.

6. Prohibited Actions.

a. It shall be unlawful to operate electric bicycles on highways, roadways, or sidewalks while performing stunts such as wheelies or endo-wheelies (stoppies).

b. It shall be unlawful to operate electric bicycles while utilizing a hand-held mobile communication device, such as using a mobile phone to text.

7. Use of Designated Lanes. E-bike operators must use designated bicycle lanes where available. In the absence of a designated bicycle lane, cyclists and e-bike riders are permitted to use sidewalks; however, e-bike operators must yield the right-of-way to all pedestrians and bicycle-riders and maintain a cautious speed that does not endanger pedestrian safety.

8. Requirements for Class 3 Electric Bicycles.

a. A person must be 16 years of age or older to operate a Class 3 electric bicycle.

b. All persons operating or riding as a passenger upon a Class 3 electric bicycle shall comply with Section 21213 of the California Vehicle Code regarding the wearing of a properly fitted and fastened bicycle helmet.

c. Class 3 E-Bikes shall not be ridden on any sidewalks or any public off-road trails within the City of San Clemente.

9. Compliance with Safety Standards. An electric bicycle shall meet the following criteria:

a. Comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. 1512.1, *et seq.*).

b. Operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied, or operate in a manner such that the motor is engaged through a switch or mechanism that, when released or activated, will cause the electric motor to disengage or cease to function.

c. A person shall not tamper with or modify an electric bicycle so as to change the speed capability of the bicycle unless he or she appropriately replaces the label indicating the classification.

10. Electric Motorcycles. Electric Motorcycles shall not be operated within the limits of the City of San Clemente without the following:

a. The operator shall have a valid motorcycle license as required by California Vehicle Code Section 12500(b); and

b. The Electric motorcycle shall have, and the operator shall carry proof of, valid registration and license plate as required by California Vehicle Code Section 4000(a)(1); and

c. All operators and riders shall wear a helmet approved by the United States Department of Transportation (DOT) as required by California Vehicle Code Section 27803(b); and

d. All operators shall have and maintain evidence of financial responsibility (Insurance) as required by California Vehicle Code Section 16028a.

Section 10.62.030- Restrictions on Beach and Beach Trail

A. The operation and use of electric bicycles, motorized scooters, electrically motorized boards, and other similar motorized recreational devices on the beach and beach trail shall be governed by Section 12.32.130 of the San Clemente Municipal Code.

Section 10.62.040- Enforcement and Penalties

A. Responsibility of Parent. The parent of any child, and the guardian of any ward, shall not authorize or knowingly permit any minor child or ward to violate any of the provisions of this Chapter.

B. Regulations Provided upon Retail Sale or Rental of an Electric Bicycle. Every store or business selling or renting E-bikes shall supply a copy of this Chapter (SCMC Chapter 10.62) to every person(s) purchasing or renting an E-Bike, and shall maintain proof of providing such copy for minimum of three years. Records of proof shall be provided to the City immediately upon request by the Chief of San Clemente Police Services during normal business hours of the store or business.

C. Violations and Penalties:

1. Violation of any provision of this Chapter shall be subject to enforcement as specified in Chapter 1.16 of the San Clemente Municipal Code.

2. Any person found in violation of any provision of this Chapter, or the California Vehicle Code while operating an E-Bike, may, in lieu of payment of a fine or other penalty, be required to complete a City-approved training and education class on the safe operation of electric bicycles. Payment for the costs for such class shall be the responsibility of the offender. Proof of completion must be provided to the City's Police Services Division within 90 days of the violation notice if such class is required. The violation shall not be deemed adjudicated until the offender provides such notice timely.

3. Every person violating any provisions of this Chapter shall be deemed guilty of a misdemeanor unless specifically provided otherwise in this Chapter. In no case shall the fine for violation of this Chapter exceed an amount specified by the City.

Section 10.62.050- Exemptions

A. Public Agency Personnel: Notwithstanding any other provision of this Chapter, or any other section of this code, City and public agency personnel may operate regulated mobility devices or other vehicles at any place in the City in the performance of their official duties.

B. Disability: This Chapter is not intended to apply to or otherwise restrict regulated mobility devices used in a safe manner by physically disabled persons as defined under the Americans with Disabilities Act (42 U.S.C. Sections 12101 *et seq.*).

Section 4. Publication. The City Clerk shall certify to the adoption of this ordinance by the City Council and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of San Clemente, and shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with California Government Code Section 36933.

Section 5. Records. The documents and materials associated with this ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at City Hall, 910 Calle Negocio, San Clemente, CA 92673.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

Section 7. Effective Date. This Ordinance shall become effective 30 days after its adoption.

Section 8. The City Clerk shall certify to the passage and adoption 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 AND ADOPTED this ____ day of _____, 2024.

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. 1778 having been regularly introduced at the meeting of _____, 2024, 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 ____, 2024, 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 _____, 2024.

 CITY CLERK of the City of
 San Clemente, California

APPROVED AS TO FORM:

 Elizabeth A. Mitchell, City Attorney



AGENDA REPORT
CITY OF SAN CLEMENTE
CITY COUNCIL MEETING

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

Meeting Date: May 7, 2024

Agenda Item: 9B

Submitted By: Community Development

Prepared By: Danielle Sorahan, Code Compliance Manager

Subject:

CONSIDERATION OF A RESOLUTION TO ADOPT A RECOMMENDATION OF THE PUBLIC SAFETY COMMITTEE AND INITIATE AN ORDINANCE TO AMEND THE SAN CLEMENTE MUNICIPAL CODE TO INCLUDE ADDITIONAL REGULATIONS ON THE USE AND ENFORCEMENT OF ELECTRIC BICYCLES

Fiscal Impact:

There are fiscal impacts resulting from the cost for staff to draft an ordinance based on the Public Safety Committee's proposed regulations. Drafting an ordinance will involve costs for staff time and legal counsel review, and such costs are estimated to be less than \$15,000.

Summary:

The Public Safety Committee recommends that the City Council initiate a code amendment to develop a comprehensive ordinance to regulate the operation of electrical bicycles (e-bikes) throughout the City. This action would apply such regulations in addition to the regulations on e-bikes currently contained in the San Clemente Municipal Code (SCMC), which are tailored to address the operation of e-bikes at City-beach areas and facilities. This recommendation aims to enhance public safety by regulating the use of e-bikes, in accordance with state regulations, and addressing specific community concerns in San Clemente.

Background:

San Clemente's existing regulations, outlined in SCMC 12.32.130, govern the use of bicycles and electric bicycles, particularly focusing on areas such as the Pier, Beach Access Road, Beach, and Beach Trail. The code defines bicycles and e-bikes, including Class 1, 2, and 3 e-bikes, and sets forth areas where these can be used or are restricted. For instance, riding of bicycles is allowed on the Beach Trail but restricted on the beach itself and certain parts of the trail during peak times. E-bikes and other motorized devices are prohibited from operating on the beach and trail, ensuring safe and regulated use in these public spaces. Given the increasing popularity and evolving use patterns of e-bikes, there is a need to update these regulations to better address safety and integration into San Clemente's active community spaces.

Discussion:

The Public Safety Committee has considered the necessary components of an e-bike safety ordinance as part of their E-bicycle/Traffic Safety Project contained in the Committee's Fiscal Year 2023-2024 Work Plan. The Committee's investigation and consideration of potential regulations, including the review of regulations adopted by other cities such as Carlsbad, Irvine, Huntington Beach and Laguna Niguel, occurred over many months and resulted in a proposal

approved by the Committee at their meeting of March 26, 2024. The proposal is focused on the following key safety measures:

- **Operator Age and Licensing:** Prohibit e-bike operations during hours of darkness unless the operator is at least 18 years old or holds a valid driver's license issued by any US State or Territory.
- **Passenger Restrictions:** Require operators to be at least 18 years old, or hold a valid state-issued driver's license, to carry passengers on e-bikes.
- **Prohibited Actions:** Prohibit the operation of e-bikes on highways, roadways, or sidewalks while performing stunts such as wheelies or endo-wheelies (Stoppies), as well as prohibit texting while operating e-bikes.
- **Trail and Beach Trail Restrictions:** Prohibit Class 3 e-bikes upon all public off-road trails within the City of San Clemente.
- **Completion of Safety Course Post-Violation:** Allow any conviction of a violation of the SCMC or the California Vehicle Code related to the operation of an e-bike to be deemed adjudicated upon the successful completion of a City-approved E-Bike Safety Course. Proof of completion recommended to be provided to the court within 90 days of conviction.
- **Rental Business Regulations:** Require all businesses within the City that provide e-bike rental services to provide renters with a copy of applicable e-bike regulations contained in the SCMC.

Concerns about potential safety hazards and the overlap with existing regulations in the California Vehicle Code were considered, indicating a need for careful assessment of the cause and effect of new regulations. At the March 26, 2024 Public Safety Committee meeting, the Committee's representative from the Orange County Sheriff's Department, Captain Christian, discussed his department's concerns with establishing new regulations that could have the potential to unintentionally create new traffic hazards. After deliberation of available options and potential concerns, the Committee recommends that the City Council initiate an amendment to integrate the proposed new rules effectively with existing laws, and enhance public safety as it relates to e-bikes and traffic.

Council Options:

- Adopt Resolution No. 24-68 to initiate an amendment to the San Clemente Municipal Code to further regulate e-bikes throughout the City.
- Modify and then adopt Resolution No. 24-68.
- Continue the item with the direction to staff to provide additional information.
- Do not approve Resolution No. 24-68. This action will result in no new ordinance being drafted to further regulate e-bikes, thereby leaving existing SCMC provisions in place unamended.

Environmental Review/Analysis:

The initiation of an amendment of an ordinance to regulate e-bikes does not qualify as a "project" under the California Environmental Quality Act (CEQA) because it only involves the work of staff to draft such an ordinance for future City Council consideration and has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment (State CEQA Guidelines, § 15378, subd. (a)). The action merely provides approval to allocate staff time to draft a potential ordinance for new regulations concerning the use of electric bicycles, and does not introduce any new activities or changes that could affect the environment. The proposed ordinance itself after being drafted would go through the appropriate environmental review.

Recommended Actions:

THE PUBLIC SAFETY COMMITTEE RECOMMENDS that the City Council adopt Resolution No. 24-68 to initiate an ordinance to amend the San Clemente Municipal Code to include additional regulations on the use and enforcement of electric bicycles.

Attachments: Exhibits:

- ~~A1-~~Proposed Resolution No. 24-68
- ~~B2-~~E-Bike Ordinance Draft Suggestions Document, considered by the Public Safety Committee on March 26, 2024
- ~~C3-~~Minutes from the Public Safety Committee Meeting, dated March 26, 2024

Notification:

None.

RESOLUTION NO. 24-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE PUBLIC SAFETY COMMITTEE'S RECOMMENDATION TO INITIATE AN ORDINANCE TO AMEND THE SAN CLEMENTE MUNICIPAL CODE TO INCLUDE ADDITIONAL REGULATIONS ON THE USE AND ENFORCEMENT OF ELECTRIC BICYCLES

WHEREAS, the increasing popularity of electric bicycles (e-bikes) presents new challenges for public safety and integration into community spaces; and

WHEREAS, existing municipal code provisions under San Clemente Municipal Code (SCMC) 12.32.130 regulate the use of bicycles and electric bicycles, emphasizing safe and regulated use in public areas such as the Municipal Pier, Beach Access Road, Beach, and Beach Trail, and defines bicycles and e-bikes, including Class 1, 2, and 3 e-bikes, and sets forth areas where these can be used or are restricted; and

WHEREAS, the Public Safety Committee has considered the necessary components of an e-bike safety ordinance as part of the Committee's E-bicycle/Traffic Safety Project contained in the Committee's Fiscal Year 2023-2024 Work Plan; and

WHEREAS, the Public Safety Committee has determined that additional regulations are needed to adequately address the safety concerns and usage impacts of e-bikes, particularly in high-traffic and shared community spaces. The Committee reviewed and deliberated on the necessary contents of additional regulations at their meeting of March 26, 2024, and recommended the City Council initiate an ordinance to amend the SCMC to enhance safety measures for both pedestrians and e-bike riders.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. That the above recitations are true and correct and incorporated herein.

Section 2. That the City Council hereby directs staff to initiate an ordinance to amend the SCMC to include additional regulations on the use and enforcement of electric bicycles. The proposed amendment shall include, but not be limited to, establishment of several key safety measures, such as: (1) requiring that e-bikes shall not be operated during hours of darkness unless the operator is at least 18 years old or holds a valid driver's license issued by any US State or Territory; (2) mandating that operators must be at least 18 years old or hold a valid state-issued driver's license to carry passengers on e-bikes; (3) prohibiting the operation of e-bikes on highways, roadways, or sidewalks while performing stunts such as wheelies or endo-wheelies, as well as prohibiting texting while operating e-bikes; (4) restricting Class 3 e-bikes from all off-road trails; (5) requiring any e-bike rental business in the City to provide renters with a copy of the SCMC regulations applicable to e-bikes; and (6) stipulating that any conviction of a violation of the SCMC or the California Vehicle Code related to the operation of an e-bike will not be deemed adjudicated until the violator

completes a City of San Clemente-approved E-Bike Safety Course, with proof of completion provided to the court within 90 days of conviction.

Section 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of _____, 2024.

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, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 24-68 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, 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:

Elizabeth A. Mitchell, City Attorney

Suggestions for City of San Clemente E-Bike Ordinance

Definitions:

Electric Bicycle – An electric bicycle (E-Bike), as defined by California Vehicle Code Section 312.5, is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts. Three classes of electric bicycles have been established:

- **Class 1:** A low speed pedal-assisted electric bicycle equipped with a motor which provides assistance only when the rider is pedaling and ceases to provide assistance when a speed of 20 mph is reached.
- **Class 2:** A low speed throttle-assisted electric bicycle equipped with a motor used exclusively to propel the bicycle and NOT capable of providing assistance when a speed of 20 mph is reached.
- **Class 3:** A low speed pedal-assisted electric bicycle equipped with a speedometer, and a motor which provides assistance only when the rider is pedaling and ceases to provide assistance when a speed of 28 mph is reached.
 - The operator of a Class 3 electric bicycle (per dmv.ca.gov):
 - **Must** be 16 years old or older.
 - **Must** wear a bicycle safety helmet.
 - **Must** not transport passengers.
 - **May** ride an electric bicycle in a bicycle lane **if** authorized by local authority or ordinance.

All electric bicycle classes are exempt from the motor vehicle financial responsibility, driver's license, and license plate requirements.

Electric Motorcycle – Any electric powered two or three wheeled vehicle with a motor of more than 750 watts and a lack of operable pedals **SHALL NOT BE CONSIDERED an Electric Bicycle**.

For the purpose of this ordinance, such vehicles **SHALL BE CONSIDERED an Electric Motorcycle** by the City of San Clemente and be treated as a Motorcycle as defined by California Vehicle Code Sections 400(a) and 400(b).

Hours of Darkness – Darkness, as defined by California Vehicle Section 280, is any time from one-half hour after sunset to one-half hour before sunrise and any other time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of 1,000 feet

Wheelie – An acrobatic driving or riding stunt of lifting up the front tire or wheel off of the ground due to extreme torque being applied to the rear wheel or wheels while in motion.

Endo-Wheelie AKA Stoppie – The Endo-Wheelie or Stoppie is a motorcycle and bicycle trick in which the back wheel is lifted by abruptly applying the front brake, then, by carefully reducing the brake pressure, the bike is ridden for a short distance on the front wheel. It is also called an endo, a nose manual, or less commonly, a front wheelie.

E-Bike Rules:

1. E-Bikes shall not be operated during hours of darkness unless the operator has a valid State issued (any US State or Territory) Driver License or is at least 18 Years of Age.
2. E-Bikes shall not be operated with a passenger unless the operator has a valid State issued (any US State or Territory) Driver License or is at least 18 Years of Age.
3. During hours of darkness, E-Bikes shall only be operated with a front lamp emitting a white light visible from a distance of 300 feet and a rear solid or flashing red light with a built-in reflector visible from a distance of 500 feet.
4. E-Bikes shall not be operated on any highway, roadway or sidewalk while performing a Wheelie or Endo-Wheelie AKA a Stoppie.
5. E-Bikes shall not be operated while texting on a cell phone.
6. Class 3 E-Bikes shall not be ridden on any off-road trails within the City of San Clemente.
7. Class 3 E-Bikes shall not be ridden on any sidewalks within the City of San Clemente. This does not apply to traversing a sidewalk to park the E-Bike or to enter private or public lands.
8. E-Bikes, regardless of Class, shall not be ridden on the sidewalk in any business district within the City of San Clemente. This does not apply to traversing a sidewalk to park the E-Bike or to enter private or public lands.
9. E-Bikes, regardless of Class, shall not be ridden on the San Clemente Beach Trail between North Beach and Calafia Beach.
10. Electric Motorcycles shall not be operated within the limits of the City of San Clemente unless the following parameters are met:
 - Motorcycle License Required per California Vehicle Code Section 12500(b)
 - Registration and License Plate Required per California Vehicle Code Section 4000(a)(1)

- DOT Approved Helmet required per California Vehicle Code Section 27803(b)
- Evidence of Financial Responsibility (Insurance) required per California Vehicle Code Section 16028a.

Electric Motorcycles may only be used on private property with the expressed permission of the property owner or the owner's authorized agent.

Law Enforcement use of the California Vehicle Code Towing, Storage and Impound Authorities apply to the unlawful use of Electric Motorcycles in the City of San Clemente.

11. Any conviction of a violation of this Ordinance or the California Vehicle Code while operating an E-Bike, will not be deemed adjudicated until the violator completes a City of San Clemente approved E-Bike Safety Course. Proof of completion must be provided to the court within 90-Days of conviction.
12. Any E-Bike rental business in the City of San Clemente shall provide a copy of this Ordinance to anyone person(s) renting an E-Bike.

These minutes were approved at the Public Safety Committee Meeting of 04/23/2024.

EXHIBIT C

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING OF THE
PUBLIC SAFETY COMMITTEE
MARCH 26, 2024**

**City Hall
Council Chambers, 2nd Floor
910 Calle Negocio
San Clemente, CA 92673**

1. CALL TO ORDER

Chair Berkuta called the Regular Meeting of the Public Safety Committee of the City of San Clemente to order at 3:00 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chair Greenwald led the Pledge of Allegiance.

3. ROLL CALL

Committee

Members Present: Chair Nick Berkuta
Vice Chair Michael Greenwald
Mark Rhoden
Gary Walsh
Captain Jay Christian (left at 4:27 p.m.)
Chief Rod Mellott
Chief Cheyne Maule (arrived at 3:09 p.m.)

Absent: Scotland Roeber

Staff Present: Danielle Sorahan, Code Compliance Manager
Natanya Wilcher, Office Specialist II
Adam Atamian, Community Development Director
Trevor Milosch, Park Ranger Supervisor

4. SPECIAL ORDERS OF BUSINESS / PRESENTATIONS

A. Presentation by Community Development Director Adam Atamian on Council Liaisons

Community Development Director Atamian announced that Councilmember Loeffler was assigned as the liaison to assist the Committee.

5. MINUTES**A. Minutes from the Regular Public Safety Committee Meeting of February 27, 2024**

MOTION BY VICE CHAIR GREENWALD, SECOND BY MEMBER WALSH, AND CARRIED 4-0-1, MEMBER ROEBER ABSENT, to approve the February 27, 2024 Minutes.

6. ORAL AND WRITTEN COMMUNICATION

None.

7. REVIEWS AND RECOMMENDATIONS**A. Code Compliance FY2023 Q4, Code Compliance FY2024 Q1****B. Park Rangers FY 2023 Q4, Park Rangers FY2024 Q1**

Code Compliance Manager Sorahan provided an overview of the FY2023 Q4 and FY2024 Q1 Code Compliance and Park Rangers FY2023 Q4 and FY2024 Q1 statistics.

In response to Committee questions, Code Compliance Manager Sorahan discussed the various types of complaints including weed abatement, mold, unsafe rentals, trash and debris, and land use violations; case load, efficiencies and additional officers; lighting cases; training; measure of open cases; non-parking violations; and parking citations issued by the Sheriff's Department.

8. NEW BUSINESS

None.

9. UNFINISHED BUSINESS**A. Public Safety Committee Annual Work Plan FY2023-2024****(1) Communications and Disaster Preparedness Project Update**

Chair Berkuta discussed the upcoming Laguna Beach siren public address system demonstration; need for a Disaster Planner; and the bridge collapse in Baltimore, Maryland.

(2) Homelessness and Best Management Practices for Public Safety Personnel Project Update

Member Walsh requested the Community Outreach Team attend an upcoming meeting to present the Point-In-Time Count. Community Development Director Atamian explained that the Community Outreach Team was working with the Human Affairs Committee and the Public Safety Committee was tasked with best management practices for Public Safety personnel addressing the homeless.

Member Rhoden stated the south end of town was still clear.

In response to Chair Berkuta, Community Development Director Atamian discussed the Federal Government land near the County line.

(3) Neighborhood Watch

Vice Chair Greenwald stated the Crime Prevention Specialist was doing a great job identifying block captains. He discussed the request for funds to purchase signs. Community Development Director Atamian stated Public Works was working to identify the number of needed signs and he would provide an update at the next meeting.

Member Walsh discussed the uptick in crime via key fobs and requested the Crime Prevention Office report back.

(4) Statistical Information and Review

Chair Berkuta reported on his and Member Roeber's tour and discussion on statistics with Faulk Care Ambulance.

(5) Human Trafficking

In response to Vice Chair Greenwald, Code Compliance Manager Sorahan stated the sweep had to be rescheduled.

(6) E-Bicycle/Traffic Safety

Member Rhoden presented suggestions for a City of San Clemente E-bike ordinance.

Member Walsh suggested a prohibition of e-bikes within 3 feet of pedestrians. Member Rhoden explained that pedestrians in the roadway were not allowed.

Captain Christian discussed the need to consider cause and effect such as creating undue safety hazards; and regulations already included in the California Vehicle Code.

Member Rhoden discussed his apprehension with creating rules that were unenforceable.

Chair Berkuta suggested requiring the use of lights during the day.

Member Walsh suggested requiring yielding to pedestrians on sidewalks, citable if an accident were caused.

MOTION BY MEMBER RHODEN, SECOND BY VICE CHAIR GREENWALD, AND CARRIED 4-0-1, MEMBER ROEBER ABSENT, to forward the suggestions for the City of San Clemente e-bike ordinance to the City Council, omitting Items 3, 7, 8 and 10.

(7) Technology Review

Chair Berkuta stated he had requested information on vacancies of license plate readers (LPRs). Captain Christian discussed the vacancies of LPRs, number needed and costs. Chair Berkuta stated he had requested Community Development Director Atamian submit for appropriate funding.

Captain Christian discussed the benefits of using LPR technology.

Member Rhoden discussed burglary tourism.

(8) Review of Urgent Matters

None.

10. REPORTS OF COMMITTEE MEMBERS AND STAFF

A. Police Services – Orange County Sheriff’s Department Capt. Christian

Captain Christian discussed an additional theft operation at the Outlets, and thefts and stolen credit cards at Walmart.

Captain Christian left the meeting at 4:27 p.m.

B. Fire Services – Orange County Fire Authority, Chief Maule

Chief Maule reported on February statistics; an e-bike fire and efforts to educate residents; Every 15 Minutes at San Clemente High School; pending arrival of Fire Hawk helicopters; and upcoming dozer training and fire school.

C. Marine Safety – Marine Safety Division Capt. Mellott

Chief Mellott reported on safety statistics; Marine Safety Officer recruitment; training academy; surf contests; Shamrock Run; Junior Lifeguard program registration; sand replenishment project; funding for new towers; and increased fence line on the Beach Trail.

D. Committee Chair

None.

E. Committee members

None.

F. City staff

In response to Commission questions, Park Ranger Supervisor Milosch stated the uniforms provided more recognition as authority figure in the parks.

11. ADJOURNMENT

MOTION BY CHAIR BERKUTA, SECOND BY MEMBER WALSH, AND CARRIED 4-0-1, MEMBER ROEBER ABSENT, to adjourn the meeting at 4:42 p.m., to the next Regular Meeting of the Public Safety Committee scheduled to be held on Tuesday, April 23, 2024, at 3:00 p.m. at City Hall in Council Chambers of City Hall at 910 Calle Negocio, San Clemente, California.

Respectfully submitted,



Nick Berkuta, Chair

Attest:



Danielle Sorahan, Code Compliance Manager

CITY OF SAN CLEMENTE
Tuesday, May 7, 2024
City Council
Regular Meeting Minutes



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

Mayor Cabral
Mayor Pro Tem Enmeier
Councilmember Duncan
Councilmember Knoblock
Councilmember Loeffler

5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

A Regular Meeting of the San Clemente City Council was called to order by Mayor Cabral on May 7, 2024 at 5:00 p.m. in the San Clemente City Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

PRESENT: Duncan, Enmeier, Knoblock, Loeffler and Mayor Cabral

STAFF PRESENT: Andy Hall, City Manager; Elizabeth Mitchell, City Attorney; Laura Campagnolo, City Clerk; Megan Jimenez, Deputy City Clerk

CLOSED SESSION

Motion by Councilmember Knoblock, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to recess to Closed Session at 5:01 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Existing litigation pursuant to Government Code Section 54956.9(d)(1) Number of Cases: 1

Case Name: Harbor View Estates Homeowners Association v. City of San Clemente, Orange County Superior Court Case No . 30-2024-01371169-CU-WM-CXC

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Brian Brower, Administrative Services Director
Unrepresented employees: All Employees
Employee Organization: San Clemente City Employees Association

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Discussion concerning real property transactions in compliance with Government

9. New Business**9A. CONSIDERATION OF A 50-YEAR TIME CAPSULE IN CITY HALL COUNCIL CHAMBERS PROPOSED BY THE SAN CLEMENTE HISTORICAL SOCIETY**

This item was tabled at the request of the San Clemente Historical Society.

9B. CONSIDERATION OF A RESOLUTION TO ADOPT A RECOMMENDATION OF THE PUBLIC SAFETY COMMITTEE AND INITIATE AN ORDINANCE TO AMEND THE SAN CLEMENTE MUNICIPAL CODE TO INCLUDE ADDITIONAL REGULATIONS ON THE USE AND ENFORCEMENT OF ELECTRIC BICYCLES

Code Compliance Manager Sorahan reviewed the contents of the Administrative Report and responded to Council inquiries.

Donna Vidrine, San Clemente, spoke in support of the City Council considering an ordinance concerning electric bikes.

Mike Kay spoke in support of additional regulations for electric bikes; urged the City Council to allow additional opportunities for public input.

Chief of Police Services Christian responded to Council inquiries related to enforcement of the proposed ordinance concerning electric bikes.

Public Safety Committee Chair Berkuta responded to Council inquiries.

Motion by Councilmember Knoblock, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to adopt Resolution No. 24-68 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE PUBLIC SAFETY COMMITTEE'S RECOMMENDATION TO INITIATE AN ORDINANCE TO AMEND THE SAN CLEMENTE MUNICIPAL CODE TO INCLUDE ADDITIONAL REGULATIONS ON THE USE AND ENFORCEMENT OF ELECTRIC BICYCLES. The ordinance should include regulations concerning carrying passengers on electric bikes, and age or other restrictions related to riding electric bikes after dark as discussed by Council during its deliberations.

AYE: Duncan, Enmeier, Knoblock, Loeffler and Mayor Cabral

NOE: None

14. Adjournment


Motion by Councilmember Knoblock, second by Councilmember Duncan, CARRIED 5-0, to adjourn at 8:20 p.m. The next Regular Meeting will be held on May 21, 2024. The Budget Workshop will commence at 4:00 p.m. Closed Session will begin at 5:30 p.m. The Business Meeting will commence at 6:00 p.m. The meeting will take place at City Hall Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

AYE: Duncan, Enmeier, Knoblock, Loeffler and Mayor Cabral

NOE: None



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California