



CITY OF LAGUNA NIGUEL CITY COUNCIL AGENDA ITEM

To: Honorable Mayor and Council Members

FROM: Tamara S. Letourneau, City Manager
Justin J. Martin, Assistant City Manager

DATE: March 5, 2024

SUBJECT: Second Reading and Adoption of Ordinance No. 2024-227 Amending Article 5 of the Laguna Niguel Municipal Code Establishing Regulations Related to Electric Bicycles

RECOMMENDATION

Mayor Jennings and Council Member Gennawey recommend that the City Council conduct a second reading, by title only, and adopt Ordinance No. 2024-227:

ORDINANCE NO. 2024-227

AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, AMENDING DIVISION 4 OF TITLE 7 OF THE LAGUNA NIGUEL MUNICIPAL CODE, ESTABLISHING REGULATIONS RELATING TO ELECTRIC BICYCLES AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH

BACKGROUND

On July 20, 2021, the City Council approved the current Electric Bicycle Action Plan, taking an education-first approach towards enforcement of unsafe or improper use of electric bicycles. The action plan was developed in response to increased communications received by residents expressing concern for public safety. The action plan was awarded the League of California Cities 2022 Helen Putnam Award for its innovative strategies in addressing electric bicycle safety and distinguished the City as an early-leader amongst other cities in the state.

On February 26, 2024, at the request of Mayor Jennings and Council Member Gennawey, the City Council conducted the first reading, by title only, of Ordinance No. 2024-227, establishing regulations related to electric bicycles (Attachment A). At the meeting, the City Council unanimously approved the proposed ordinance and directed staff that the ordinance be placed on the March 5, 2024, City Council agenda for second reading and adoption.

ANALYSIS

While significant progress has been made on electric bicycle public safety in Laguna Niguel, the City continues to explore additional opportunities to further enhance outreach and enforcement efforts, leading to an increasingly safe and educated electric bicycle user community in the City. Ordinance No. 224-227 proposes three changes to the Laguna Niguel Municipal Code (LNMC) intended to further address concerns presented by electric bicycle riders.

Definition of Electric Bicycles

Currently, the LNMC does not refer to electric bicycles, nor does the LNMC differentiate between traditional bicycles and electric bicycles. The proposed ordinance amends Section 7-4-501.1 to the LNMC by defining electric bicycles as is defined in the California Vehicle Code, Section 312.5.

Electric Bicycles Operation

The proposed ordinance also serves to clarify that all existing regulations applicable to traditional bicycle operation defined in LNMC Section 7-4-500 also apply to electric bicycles and adds Section 7-4-500.1 – Electric Bicycles Operation to the LNMC. Under proposed Section 7-4-500.1, no person shall ride an electric bicycle in an unsafe manner on any publicly owned property, including but not limited to a public roadway, highway, sidewalk, park; nor on any private property open to the public. The section defines an unsafe manner and provides examples of unsafe ridership behaviors. The section also prohibits intentionally performing a wheelie on an electric bicycle, with applicable safety exclusions. In addition, Section 7-4-500.1 would also add language prohibiting riders from being on their cell phone (handheld) while operating an electric bicycle.

Consistent with existing language in the LNMC Section 7-4-501.6, any violation of the proposed changes would result in an administrative citation, not a traffic citation. The penalty for violating these proposed changes would constitute an initial fine of \$25, and any subsequent violations would be punishable by a fine of \$50. Receiving a fine under this section does not impact one's automobile driving record.

ALTERNATIVES CONSIDERED

The City Council may:

1. Decide not to adopt Ordinance No. 2024-227.
2. Direct staff to return with a revised ordinance to be presented at a future City Council meeting.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

City staff has evaluated proposed Ordinance No. 2024-227 to determine whether it will have a significant effect on the environment. Staff has determined that the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15378(a), 15301(3), 15061(b)(3) on the grounds that it

can be seen with certainty that the establishment of electric bicycle regulation, as provided for in Ordinance No. 2024-227, will not have a significant effect on the environment.

FISCAL REVIEW

There is no fiscal impact on the City as a result of the adoption of Ordinance No. 2024-227.

LEGAL REVIEW

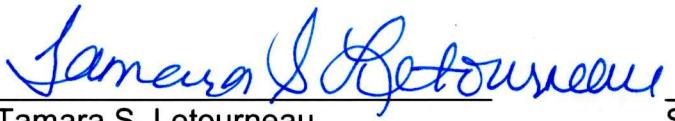
This report and Ordinance No. 2024-227 were drafted in collaboration with the City Attorney's Office. The City Attorney's Office has reviewed this report and ordinance as to form.

CONCLUSION

Mayor Jennings and Council Member Gennawey recommend that the City Council conduct a second reading, by title only, and adopt Ordinance No. 2024-227:

ORDINANCE NO. 2024-227

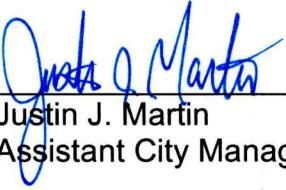
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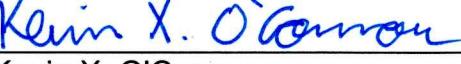
Tamara S. Letourneau
City Manager



Scott C. Smith
City Attorney



Justin J. Martin
Assistant City Manager



Kevin X. O'Connor
Management Assistant

Attachments:

1. Ordinance No. 2024-227

ATTACHMENT A

Ordinance No. 2024-227

ORDINANCE NO. 2024-227

**AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, AMENDING
DIVISION 4 OF TITLE 7 OF THE LAGUNA NIGUEL MUNICIPAL CODE,
ESTABLISHING REGULATIONS RELATING TO ELECTRIC BICYCLES AND
MAKING A DETERMINATION OF EXEMPTION UNDER CEQA IN CONNECTION
THEREWITH**

WHEREAS, the City of Laguna Niguel, California ("City") is a municipal corporation duly organized under the constitution and laws of the State of California; and

WHEREAS, the City's code currently regulates the operation of bicycles within the City but does not explicitly address electric bicycles, which have seen increased usage throughout the City and State; and

WHEREAS, the City wishes to update its code to explicitly refer to electric bicycles and to define electric bicycles in the same manner as they are used in the Vehicle Code so that there is no confusion or inconsistency between local and State law; and

WHEREAS, the Vehicle Code provides that local authorities, like the City of Laguna Niguel, may regulate electric bicycles in a manner that does not conflict with State law; and

WHEREAS, the City wishes to regulate electric bicycles as allowed by State law.

**THE CITY COUNCIL OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. Recitals. The recitals above are true and correct and are incorporated herein by this reference.

SECTION 2. Section 7-4-500.1. Article 5 (Pedestrian, Bicycle, Skateboard and Equestrian Regulations) of Division 4 (Traffic Ordinances) of Title 7 (Highways, Right-of-Ways and Vehicles) of the Laguna Niguel Municipal Code is hereby amended to add Section 7-4-500.1 – (Electric Bicycle Operation) as follows (for reference added language is underlined and language proposed to be removed is struck through):

"Sec. 7-4-500.1 – Electric Bicycle Operation

All references to this section 7-4-500.1 shall include section 7-4-500. These requirements are in addition to the other regulations for Bicycle Operation set forth in section 7-4-500.

(a) No person shall ride an electric bicycle in an unsafe manner on any publicly owned property, including but not limited to a public roadway, highway, sidewalk, park; nor on any private property open to the public.

(1) "Unsafe manner" means any act or acts in violation of the Laguna Niguel Municipal Code, California Vehicle Code, or other existing law. An "unsafe

manner" can also be defined as operating an electric bicycle in such a way as to constitute a danger to the operator, a passenger, other motorists, other riders, or pedestrians in the area.

(2) Examples of riding in an unsafe manner may include, but are not limited to, the following actions:

- a. Intentionally lifting one or more wheels into the air while riding on a highway, sidewalk, bicycle lane, or bike path. It is not a violation of this subsection if one or more wheels lose contact with the ground briefly due to the condition of the road surface or other circumstances beyond the control of the rider.
- b. Riding on the sidewalk without due caution for pedestrians.
- c. Riding on the highway, or bicycle lane against the flow of traffic.
- d. Intentionally swerving or riding around stopped or slowed traffic.
- e. Operating an electric bicycle in a manner it was not designed for, including carrying passengers when not designed for carrying passengers, or standing on the seat of the bicycle.
- f. Not obeying posted signs or traffic lights.
- g. A person under the age of 18 riding without a properly fitted and fastened helmet.

(b) No person shall operate an electric bicycle while holding and operating a handheld wireless telephone or an electronic wireless communications device unless the wireless telephone or electronic wireless communications device is specifically designed and configured to allow voice-operated and hands-free operation, and it is used in that manner while riding.

(1) An "electronic wireless communications device" includes, but is not limited to, a broadband personal communication device, a handheld device, or pager.

SECTION 3. Section 7-4-501.1. Section 7-4-501.1 (Definition) of Article 5 (Pedestrian, Bicycle, Skateboard and Equestrian Regulations) of Division 4 (Traffic Ordinances) of Title 7 (Highways, Right-of-Ways and Vehicles) of the Laguna Niguel Municipal Code is amended to read as follows:

"Sec. 7-4-501.1 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acrobatics includes jumps, spins, loops, "360's," handstands or any other movements or tricks not essential to the ordinary use of the skateboard as a transportation device, or the use of ramps, jumps, curbs, steps or other devices used to force the skateboard off the ground.

Business district is defined as designated in Vehicle Code § 235.

Electric bicycle means an electric bicycle equipped with both fully operable pedals and an electric motor, as further defined by Vehicle Code section 312.5, as it may be amended from time to time.

Hazard includes any activity which threatens injury to person or property or prevents the free use of public or private property by pedestrians or motorists.

Private property means any property held by private interests which is used primarily for business, commercial or recreational purposes.

Public property means any property owned or maintained by the city or the Laguna Niguel Community Services District.

Roller skate means any footwear or device which may be attached to the foot or footwear, to which wheels are attached which may be used to aid the wearer in moving or propulsion.

Skateboard means a board of any material which has wheels attached to it and which may be propelled or moved by human, gravitational or mechanical power, and to which there is not fixed any device or mechanism to turn or control the wheels.

Skateboarding, for purposes of the prohibitions contained in this article, includes performing acrobatics while using or operating a skateboard, or using or operating a skateboard in a manner which creates a hazard. The term "skateboarding" shall not include the use or operation of a skateboard while the user is in an upright or standing position and is using the skateboard as a transportation device."

SECTION 4. 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, subd. (a).) The language simply regulates the use of electric bicycles on sidewalks and parks within the City. Even if this Ordinance is considered a "project" subject to CEQA, it is categorically exempt pursuant to Section 15301, subdivision (c) because it consists of minor alteration of existing sidewalks and pedestrian crossings involving negligible or no expansion of existing or former use. In addition, 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 regulates the use of electric bicycles on sidewalks and parks within the City; it will not result in any development or in any new activity with the potential to impact the environment.

SECTION 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage.

SECTION 9. Publication. The City Clerk shall certify the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Laguna Niguel on this 5th day of March, 2024.

Kelly Jennings, Mayor

ATTEST:

Marissa Asistin, City Clerk