

ORDINANCE NO. 2020-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA AMENDING CHAPTER 12.54 OF TITLE 12 OF THE NEWPORT BEACH MUNICIPAL CODE PERTAINING TO THE OCEANFRONT BOARDWALK SAFETY PROGRAM

WHEREAS, the California Vehicle Code provides local agencies the authority to regulate by ordinance the operation of motorized bicycles, motorized electric boards, electric bicycles and motorized scooters;

WHEREAS, the City of Newport Beach's Boardwalk ("Boardwalk") and its surrounding area attract a high number of residents and tourists year-round, with significant increases during the summer season, weekends and holidays;

WHEREAS, given the number of pedestrians on the Boardwalk, regulating the speed limit, direction of flow and unsafe operation of motorized bicycles, motorized electric boards, electric bicycles, motorized scooters or any other motorized devices that California state law permits local agencies to regulate (hereinafter referred to as "motorized transportation devices"), will promote the safe and efficient use of the Boardwalk; and

WHEREAS, the City Council desires to regulate the speed limit, direction of flow and unsafe operation of all motorized transportation devices for the purpose of promoting the safe and efficient use of the Boardwalk for pedestrians, including seniors, persons with disabilities and others using the Boardwalk.

NOW, THEREFORE, the City Council of the City of Newport Beach, California, hereby ordains as follows:

Section 1: Chapter 12.54 of the Newport Beach Municipal Code is hereby amended to read as follows:

Chapter 12.54 OCEANFRONT BOARDWALK SAFETY PROGRAM

Sections:

- 12.54.010 Purpose and Intent.
- 12.54.020 Definitions.
- 12.54.025 Motorized Scooters.
- 12.54.030 Speed Limit.
- 12.54.040 Unsafe Operation.
- 12.54.050 Direction of Flow/Rules of the Road.

- 12.54.060 Special Restrictions.
- 12.54.070 Penalty.

12.54.010 Purpose and Intent.

The purpose and intent of this chapter is to promote the safety of persons using the Oceanfront Boardwalk while maximizing the recreational opportunities available to users. The City Council has determined that the provisions of this chapter represent reasonable measures that can be implemented to promote the safe and efficient use of the Boardwalk. The City Council has made this determination after due consideration of the probability and gravity of potential injuries to persons and property as well as the practicability and cost of implementing measures that would protect against the risk of such injury.

12.54.020 Definitions.

As used in this chapter, the following terms and words shall have the following meanings:

“Bicyclist” means any person operating any device propelled by human-power through a belt, chain or gears and having one or more wheels.

“Boardwalk” or “Oceanfront Boardwalk” means the concrete walkway approximately twelve (12) to twenty-two (22) feet in width immediately adjacent to the sandy ocean beach (except where the beach has been improved with parking lots, parks or school playgrounds) and that runs from 36th Street to a point east of E Street. The Boardwalk is designated as West Ocean Front and East Ocean Front on the official City atlas.

“Electric bicycle” has the same meaning as defined in California Vehicle Code Section 312.5.

“Electrically motorized board” has the same meaning as defined in California Vehicle Code Section 313.5.

“Motorized bicycle” has the same meaning as defined in California Vehicle Code Section 406.

“Motorized scooter” has the same meaning as defined in California Vehicle Code Section 407.5.

“Motorized transportation device” means any motorized device used for personal transportation, whether rented or owned, and includes any electric bicycle, electrically motorized board, motorized bicycle, and motorized scooter as defined in this Section

12.54.020, as well as any other motorized device that California state law permits local agencies to regulate.

“Pass” means to travel to the left of the centerline of the Boardwalk.

“Pedestrian” means any person on foot.

“Rollerskater” means any person wearing rollerskates as defined in Section 12.57.010(B) of this Code, rollerblades or any similar device.

12.54.025 Motorized Scooters.

No person(s) shall operate or ride a motorized scooter upon the Boardwalk.

12.54.030 Speed Limit.

No person using the boardwalk shall exceed eight miles per hour while on the Boardwalk.

12.54.040 Unsafe Operation.

No person using the Boardwalk shall engage in any activity on the Boardwalk that creates an unreasonable risk of injury to any person.

12.54.050 Direction of Flow/Rules of the Road.

- A. Any person using the Boardwalk shall keep to the right of the centerline of the Boardwalk except when passing.
- B. No person shall pass any other person except when it is safe to do so.
- C. No person shall pass any other person when there is a solid single or double centerline.

12.54.060 Special Restrictions.

- A. The Traffic Engineer shall post signs and install appropriate markings designating a “Walk Zone” for bicycles and motorized transportation devices in the plaza at the base of the Newport Pier. The Traffic Engineer shall have the authority to establish other special restrictions on bicyclists, pedestrians, motorized transportation device users and/or rollerskaters such as localized speed limits less than eight miles per hour.

B. No person shall fail to comply with signs posted pursuant to subsection (A) that establish special restrictions on bicyclists, pedestrians, motorized transportation device users and/or rollerskaters using the Boardwalk.

12.54.070 Penalty.

A. Notwithstanding any other provision of this Code, any person violating the provisions of Sections 12.54.025, 12.54.030, 12.54.050 or 12.54.060 shall be guilty of an infraction, punishable by a fine not to exceed two hundred dollars (\$200.00).

B. Any person violating the provisions of Section 12.54.040 shall be guilty of a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00) provided, however, the violation may be prosecuted as an infraction pursuant to the provisions of Section 1.04.010(A) of this Code.

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 22nd day of September, 2020, and adopted on the 13th day of October, 2020, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

WILL O'NEILL, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY