

ORDINANCE NO. 605-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING TITLE 10 OF THE MURRIETA MUNICIPAL CODE RELATING TO BICYCLES, ELECTRIC BICYCLES, SCOOTERS AND SKATEBOARDS, AND PASSENGER LOADING AND UNLOADING OF VEHICLES AND ADOPTION OF EXEMPTION FROM CEQA

WHEREAS, Electronic bicycles, scooters, and skateboards (E-Conveyances) are a public safety concern. With the increasing popularity of E-Conveyances, traffic accidents involving people using E-Conveyances and motor vehicles have greatly increased; and

WHEREAS, People involved in E-Conveyance traffic accidents suffer serious injuries when compared to traditional bicycle accidents; and

WHEREAS, E-Conveyance and motor vehicle collisions result in greater damage to the vehicles and other property; and

WHEREAS, the Murrieta Police Department has seen an increase in calls and incidents related to vehicles stopping in the middle of a roadway to pick up or drop off passengers, particularly in school areas; and

WHEREAS, such dropping off or picking up of passengers is not currently prohibited by the vehicle code or the municipal code unless the vehicle is obstructing the flow of traffic; and

WHEREAS, the City aims to achieve best governmental practices and ensure organizational efficiency; and

WHEREAS, the City Council now desires to amend Title 10 of the MMC to regulate the use of bicycles, e-bikes, e-scooters and e-skateboards on public property and to prohibit the loading and unloading of passengers from within a roadway.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 10.08.010 (Definitions) of Chapter 10.08 of Title 10 of the Murrieta Municipal Code is here by amended to add the following:

“Bicycle” means any device upon which a person may ride which is propelled by human power through a system of belts, chains or gears, having one or more wheels. “Bike” shall mean the same as “Bicycle.”

“Bicycle lane” means that portion of the roadway which has been separated from any vehicular lanes by a solid white line or other marking on the pavement or defined for bike riders by appropriate signs.

“Bicycle path or bicycle trail” means a path that provides a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorists minimized.

“Bicycle route” means a suggested route of travel for bicycle riders. A “bicycle route” may offer no physical protection to the bike rider and is normally defined for the bicycle rider only by a sign indicating “bike route,” which defines a suggested route element of a bicycle system and provides a certain awareness for the motorist that bicycle riders are sharing the roadway.

“E-Conveyance” means any Electric Bicycle, Electric Scooter, Electric Skateboard, or other device propelled by an electric motor and designed to convey 1 or more people.

“Electric Bicycle” means an electric bicycle, or “e-bike”, which is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, and is categorized by the following:

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

Class 2 – an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

Class 3 - an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour and is equipped with a speedometer.

“Electric Scooter” or “E-Scooter” means a two or three-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion.

“Electric Skateboard” or “E-skateboard” means a four-wheeled device that has a floorboard that is designed to be stood upon when riding and is powered by an electric motor.

“Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

“Motorized bicycle” means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than four gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

SECTION 2. Chapter 10.55 (Bicycles, E-Bikes, and E-Scooters) is hereby added to Title 10 of the Murrieta Municipal Code to read as follows:

“10.55.010 Scope

This division shall apply to the use of bicycles and E-Conveyances, in conformity with State law, and shall apply to any bicycle or E-Conveyance operated upon any street or sidewalk, public property or upon any public path set aside for the use of bicycles or E-Conveyances. The provisions contained herein are enacted pursuant to Vehicle Code div. 16.7 (Vehicle Code § 39000 et seq.), and any rules and regulations adopted thereunder, pertaining to the licensing of bicycles, and California Vehicle Code § 21206 pertaining to the regulation of the operation, use and equipment of bicycles, and are not intended to conflict in any way with the provisions thereof.

10.55.020 Enforcement

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. Penalty for violations. Every person violating any provisions of this Chapter shall be subject to the penalties provided for in Chapter 1.32 of the Murrieta Municipal Code.

C. An electric bike shall meet the following criteria

1. 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.).

2. 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.

3. 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. It shall be unlawful to operate an electric bicycle which has been

modified to exceed 28 miles per hour upon any roadway, sidewalks, trail or other public property in the City.

10.55.030 Applicability of traffic laws.

Every person riding a bicycle or E-Conveyance upon a street or sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State pertaining to the rules of the road, or by the terms of this Code or other ordinances of this City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application to bicycles or E-Conveyances, and except as otherwise provided in this Chapter.

10.55.040 Obedience to traffic-control devices.

It shall be unlawful for any person operating a bicycle or E-Conveyance to fail to obey the instructions of official traffic-control signs and other traffic-control devices applicable to vehicles or bicycles, unless otherwise directed by a police officer.

10.55.050 Use of headphones or earbuds.

It shall be unlawful for any person to operate a bicycle or E-Conveyance while wearing headphones, earbuds or any other device which obstructs, or covers the ear canal.

10.55.060 Helmets.

A. A person under the age of 18 must wear a properly fitted and fastened bicycle helmet when riding an E-Conveyance on a public roadway, bikeway, bicycle path, bicycle trail, or bicycle route regardless of E-bike class.

B. All people operating or riding as a passenger on 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.

1055.070 Lights and reflectors.

No person shall operate a bicycle or E-Conveyance after sunset without a front facing white light. All Bicycles and e-bikes shall have reflectors on both wheels and on the rear of the bike.

10.55.080 Method of riding; number of riders.

No person operating a bicycle or E-Conveyance shall allow more persons at one time than the number for which the bicycle or E-Conveyance is designed and equipped.

10.55.090 Riding on roadways and bicycle lanes.

A. Any person operating a bicycle or E-Conveyance upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time shall ride as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge. "Substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

B. Any person operating a bicycle or E-Conveyance upon a roadway or a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable.

C. Persons riding bicycles on a roadway or bike lane shall not ride more than two abreast.

10.55.100 Speed.

No person shall operate a bicycle or E-Conveyance at a speed greater than is reasonable and prudent under the conditions then existing, and in no event at a speed which endangers the safety of persons or property. No E-Conveyance operator shall travel over 28 miles per hour on a public highway, trail, path, park, or other public property within the City.

10.55.110 Emerging from, entering alley, driveway, bicycle path, etc.

The operator of a bicycle or E-Conveyance emerging from an alley, driveway, bicycle path, building or otherwise approaching upon a sidewalk or sidewalk area shall yield the right-of-way to all pedestrians on such sidewalk or sidewalk area, and upon entering a bicycle lane or roadway, shall yield the right-of-way to all vehicles or bicycles on the roadway.

10.55.120 Leaving bicycle lane.

A. Whenever a bicycle lane has been established, any person operating a bicycle upon the roadway at a speed of less than the normal speed of traffic moving in the same direction shall ride

within the bicycle lane, except that such person may move out of the lane under any of the following situations:

1. When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.
2. When preparing for a left turn at an intersection or into a private road or driveway.
3. When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.
4. When approaching a place where a right turn is authorized.

B. No person operating a bicycle or E-Conveyance within a bicycle lane shall leave such lane until movement can be made with reasonable safety, and then only after giving the appropriate signal in the manner provided in Vehicle Code div. 11, ch. 6 (Vehicle Code § 22100 et seq.) in the event that any vehicle may be affected by the movement.

10.55.130 Parking.

No person shall leave a bicycle or E-Conveyance lying on its side on any sidewalk, nor shall park a bicycle or E-Conveyance upon the public right-of-way or the sidewalk rack to support the bicycle or E-Conveyance or against a building or at a curb, except in such a manner as to afford the least obstruction to pedestrian traffic. Where appropriate signs are erected, no person shall park a bicycle or E-Conveyance in a public highway in the area designed by appropriate signs.

10.55.140 Riding on sidewalks, playgrounds, etc.

A. Riding bicycles and E-Conveyances on any sidewalk, bicycle path, bicycle trail, or roadway is permitted unless prohibited by appropriate signs authorized pursuant to the terms of this Chapter.

B. Whenever any person is riding a bicycle or E-Conveyance upon a sidewalk, bicycle path, or bicycle trail, such person shall yield the right-of-way to any pedestrian or person on horseback and shall give an audible signal before overtaking and passing pedestrians.

C. No person shall ride or operate a bicycle or E-Conveyance upon any playground, park or school ground not designated as a bicycle path or route unless specifically posted as authorized for such use.

D. No person shall operate a bicycle or E-Conveyance on a bicycle path or bicycle trail at a speed greater than 20 miles per hour, and in no event at a speed greater than is reasonable or prudent under the conditions then existing, or at a speed which endangers the safety of persons or property.

E. When posted, no person shall operate a bicycle or E-Conveyance at any City permitted special events.

F. The operator of a bicycle or E-Conveyance 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. This section also applies to any sidewalk less than eight feet in width, unless there is no accompanying sidewalk on the opposite side of the street, or wherever posted signs prohibit such behavior.

G. A bicycle or E-Conveyance operator shall not allow a person riding as a passenger, and a person shall not ride as a passenger, on a bicycle or electric bicycle upon a highway other than upon or astride a separate seat attached thereto. The section does not apply to any type of bicycle with an original factory seat designed to collectively accommodate the operator and passenger. If the passenger is four years of age or younger, or weighs 40 pounds or less, the seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle.

10.55.150 Equipment.

Every bicycle and E-Conveyance, when operated within the City, shall comply with all of the equipment requirements contained in California Vehicle Code § 21201 , and this Chapter.

10.55.160 Establishment.

The City Council may, by resolution, establish bicycle lanes, paths or routes within the City as they shall determine may be required.

10.55.170 Designation.

A. The City's Director of Public Works is authorized to erect or place and maintain signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person.

B. The City's Director of Public Works is authorized to erect or place and maintain signs upon any street or adjacent to any street in the City, indicating the existence of a bicycle path, lane or route or otherwise regulating the operation and use of vehicles and bicycles with respect thereto, as long as the same are consistent with this Chapter. Where such a sign is erected, such other designation, including, but not limited to, appropriate painting or such other devices as the City's Director of Public Works shall determine, will provide sufficient notice of the existence of the

bicycle path, lane or route. Said signing shall conform with provisions established by the California Traffic-Control Devices Committee.

10.55.180 Use of streets restricted.

Riding or operating a bicycle or E-Conveyance on any street within the City is permitted in accordance with the California Vehicle Code unless specifically prohibited by this Chapter.

10.55.190 Motor vehicle usage.

No person shall operate any motorized vehicle upon any bicycle lane or path, except to park when permitted, to enter or leave the roadway, or to prepare for a turn within a distance of 200 feet from the intersection. Nothing in this section shall be deemed or construed to prohibit any bus owned and operated by a public transportation district or other authorized transportation agencies from driving upon such bicycle lanes within 150 feet of any bus stop approved by the City. Parking of motor vehicles is prohibited on bicycle lanes, provided such restriction is appropriately posted. This section does not prohibit the use of a motorized bicycle in a bicycle lane, pursuant to Vehicle Code § 21207.5, at a speed no greater than is reasonable or prudent, having due regard for visibility, traffic conditions, and the condition of the roadway surface of the bicycle lane, and in a manner which does not endanger the safety of bicyclists.

SECTION 3. Section 10.32.045 (Passenger Loading and Unloading) of Chapter 10.32 of Title 10 of the Murrieta Municipal Code is here by added to read as follows:

“10.32.045 Passenger Loading and Unloading

Loading and unloading of passengers to or from a vehicle is prohibited from within the drive lanes of any roadway. Vehicles may not stop within a roadway for the purpose of passenger loading or unloading.”

SECTION 4. This ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any 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 passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional

without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. This Ordinance shall become effective on the thirty-first (31st) day after its passage and adoption, and within fifteen (15) days after its final passage and the City Clerk shall cause it to be posted and published in a newspaper of general circulation, printed, published and circulated in the City in the manner required by law and shall cause a copy of this Ordinance and its certification, to be entered in the Book of Ordinances of the City.

PASSED AND ADOPTED this 7 day of May, 2024.

Lori Stone, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)§
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Ordinance No. 605-24 was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the 7th day of May, 2024, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk

I, Cristal McDonald, City Clerk of the City of Murrieta, California further certify that Ordinance No. 605-24 was duly published according to law and the order of the City Council of said City and the same was so published in *Press Enterprise*, a newspaper of general circulation on the following date(s):

Adopted Ordinance: _____, 2024.

In witness whereof, I have hereunto subscribed my name this __ day of _____, 2024.

Cristal McDonald, City Clerk