

AGENDA ITEM
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Date: June 19, 2023

TO: Honorable Mayor and City Council**FROM:** Charles B. Conners, Acting City Manager
Michael B. MacDonald, City Clerk**SUBJECT:** Ordinance for Second Reading – An Ordinance of the City Council of the City of San Buenaventura, California, Amending Chapter 16.350 of the San Buenaventura Municipal Code to Provide Regulations Prohibiting the Use of Bicycles, Electric Bicycles, and Other Vehicles Within Main Street Moves, and Adding Limitations on the Use of Any Such Vehicle on Public Rights-Of-Way and Within Shopping Centers**RECOMMENDATION**

Waive the second reading in full and adopt the Ordinance of the City Council of the City of San Buenaventura, California, Amending Chapter 16.350 of the San Buenaventura Municipal Code to Provide Regulations Prohibiting the Use of Bicycles, Electric Bicycles, and Other Vehicles Within Main Street Moves, and Adding Limitations on the Use of Any Such Vehicle on Public Rights-Of-Way and Within Shopping Centers.

BACKGROUND

Main Street Moves was established as a response to the COVID-19 pandemic, providing a safe and open space for pedestrians to walk, exercise, and patronize local businesses. The temporary closure of vehicular traffic within this area has been successful in cultivating Main Street Moves as a vibrant and accessible public space. However, the increased presence of bicycles, electric bicycles, skateboards, and other forms of wheeled transportation particularly those ridden at high speeds, has become a growing concern for public safety.

The safety of pedestrians within the Main Street Moves area is of utmost importance, and the increasing presence of bicycles, electric-bicycles, skateboards, and other forms of wheeled transportation has become a significant concern. To address this issue, City staff and Ventura Police Department recommend that the City's Municipal Code be amended to prohibit the use of bicycles and other forms of wheeled transportation in Main Street moves.

Attachment A is the Ordinance introduced and approved for the first reading by City Council on June 12, 2023 [Vote: 4-Yes (Duran, Halter, Sanchez-Palacios, Mayor Schroeder); 2-Noes (McReynolds, Johnson); 1-Absent (Campos)].

Prepared by: Tracy J. Oehler, Assistant City Clerk

ATTACHMENT

A Ordinance

ATTACHMENT A

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA AMENDING CHAPTER 16.350 OF THE SAN BUENAVENTURA MUNICIPAL CODE TO PROVIDE REGULATIONS PROHIBITING THE USE OF BICYCLES, ELECTRIC BICYCLES, AND OTHER VEHICLES WITHIN MAIN STREET MOVES, AND ADDING LIMITATIONS ON THE USE OF ANY SUCH VEHICLE ON PUBLIC RIGHTS-OF-WAY AND WITHIN SHOPPING CENTERS

The Council of the City of San Buenaventura does ordain as follows:

Section 1. AMENDMENT TO CODE. Chapter 16.350, "Operation of Bicycles, Roller Skates and Skateboards Within Pedestrian Ways and Other Rights-of-Way," of the San Buenaventura Municipal Code is hereby amended to read as follows:

"Chapter 16.350 Operation of Bicycles, Electric Bicycles, Electric Personal Assistive Mobility Devices, Electrically Motorized Boards, Low-Speed Vehicles, Pedicabs, Roller Skates, Scooters and Skateboards Within Pedestrian Ways and Other Rights-of-Way

Sections

Sec. 16.350.010. Purpose and intent.

Sec. 16.350.020. Application.

Sec. 16.350.030. Definitions.

Sec. 16.350.040. Prohibition in the downtown business district.

Sec. 16.350.045. Prohibition in Main Street Moves.

Sec. 16.350.050. Prohibition on private property in the downtown business district.

Sec. 16.350.060. Regulation at shopping centers.

Sec. 16.350.070. Exceptions.

Sec. 16.350.080. Violations and seizure of evidence.

Sec. 16.350.010. Purpose and intent.

The purpose and intent of this chapter is to ensure the safety of all persons using public property or rights-of-way, within shopping centers, Main Street Moves and the downtown business area of the City of San Buenaventura. The city

council, after due consideration of the probability and gravity of potential injuries to persons and property in said areas, as well as consideration of the practicability and cost of protecting against the risk of such injury, has determined that the provisions of this chapter represent reasonable measures to protect persons and property from the risk of injury.

Sec. 16.350.020. Application.

This chapter applies to the use and operation of bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, pedicabs, roller skates, scooters, skateboards or other vehicles on all pedestrian ways and rights-of-way, whether public or private, within the areas of the city described in this chapter.

Sec. 16.350.030. Definitions.

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases are defined as follows:

“Bicycle” means a device upon which any person may ride, propelled exclusively by human power (except as described in the definition of “electric bicycle,” elsewhere in this Section) through a belt, chain, or gears, and having one or more wheels.

“Downtown business district” means the geographic area of the City of San Buenaventura bounded by Ventura Avenue to the west including the western sidewalk, Ash Street to the east including the eastern sidewalk, Poli Street to the north including the northern sidewalk, and Harbor Boulevard to the south including the southern sidewalk.

“Electric bicycle” means a bicycle equipped with fully operable pedals and an electric, combustible, or other type of motor.

“Electric personal assistive mobility device” means a self-balancing, non-tandem two-wheeled device, that is not greater than 20 inches deep and 25 inches wide and can turn in place, designed to transport only one person, with an electric propulsion system, the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is no more than 12.5 miles per hour.

“Electric motorized board” means any wheeled device that has a floorboard designed to be stood upon when riding that is not greater than 60 inches deep and 18 inches wide, is designed to transport only one person, and has an electric propulsion system averaging less than 1,000 watts, the

maximum speed of which, when powered solely by a propulsion system on a paved level surface, is no more than 20 miles per hour. The device may be designed to also be powered by human propulsion.

“Low-speed vehicle” means a motor vehicle that meets all of the following requirements: (1) has four wheels; (2) can attain a speed, in one mile, of more than 20 miles per hour and not more than 25 miles per hour, on a paved level surface; (3) has a gross vehicle weight rating of less than 3,000 pounds.

“Main Street Moves” means that portion of the downtown business district closed to vehicular traffic stretching along Main Street, bounded by Fir Street on the East and the San Buenaventura Mission on the West, as well as the portion of California Street which runs perpendicular from Main Street to Santa Clara Street. The portions of Palm Street, Oak Street, and Chestnut Street which run perpendicular through Main Street remain open to vehicular traffic, and are not portions of Main Street Moves.

“Pedicab” means any of the following: (a) a bicycle, including an electric bicycle, that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire; (b) a bicycle, including an electric bicycle, that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by a person, and that is being used for transporting passengers for hire; (c) a four-wheeled device that is primarily or exclusively pedal-powered, has a seating capacity for eight or more passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire.

“Pedestrian walkway” means any sidewalk or area, which is within a shopping center, and which is paved, but closed to vehicular traffic and which is designated or intended for pedestrian travel.

“Private property” means any property, of whatever nature, not owned, leased or otherwise operated by the city.

“Public parking area” means an area, of whatever nature, publicly maintained and open to the use of the public for purposes of parking motorized vehicles, and shall include alleyways used to access such areas.

“Roller skates” means any footwear or device including roller blades, which may be attached to the foot or footwear, to which wheels are attached and such wheels may be used for

moving or propulsion.

“Scooter” means any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, whether powered by an electric motor or any other type of motor, or powered by human propulsion.

“Shopping center” means a group of commercial establishments, planned, developed, owned, and managed as a common unit, with parking provided on the private property site.

“Sidewalk” means a portion of a street, other than the roadway, set apart by curbs, barriers, markings or other delineation located between the roadway and adjacent property lines for pedestrian travel.

“Skateboard” means a board of any material upon which any person may ride, which has wheels attached and such wheels may be used for moving or propulsion.

“Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a highway or other roadway.

Sec. 16.350.040. Prohibition in the downtown business district.

It shall be unlawful for any person to ride, use, or operate any bicycle, electric bicycle, electric personal assistive mobility device, electrically motorized board, low-speed vehicles, pedicabs, roller skates, scooters, skateboards, or any other vehicle on or over any sidewalk or any public parking area, or portion thereof, within the downtown business district of the city. The city is hereby authorized to post such markings and signs as are determined to be necessary or desirable to give public notice of the provisions of this section.

Sec. 16.350.045. Prohibition in Main Street Moves.

It shall be unlawful for any person to ride, use, or operate any bicycle, electric bicycle, electric personal assistive mobility device, electrically motorized board, low-speed vehicles, pedicabs, roller skates, scooters, skateboards, or other vehicle within Main Street Moves. The city is hereby authorized to post such markings and signs as are determined to be necessary or desirable to give public notice of the provisions of this section.

Sec. 16.350.050. Prohibition on private property in the downtown business district.

It shall be unlawful for any person to ride, use, or operate any bicycle, electric bicycle, electric personal assistive mobility device, electrically motorized board, low-speed vehicles, pedicabs, roller skates, scooters, skateboards, or other vehicle on or over any private property within the downtown business district, provided that the owner of said property has posted signs prohibiting such uses. The sign shall identify the prohibited activity, include a citation to this chapter, and be posted in a conspicuous location, made of a durable material, and posted in a permanent manner.

Sec. 16.350.060. Regulation at shopping centers.

A. *Request to regulate.* Upon written request from the owner of a shopping center, the city council may prohibit, or establish rules regulating, the operation of bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, pedicabs, roller skates, scooters, skateboards, or other vehicles upon any pedestrian walkway within the requesting party's shopping center. After receiving such request, the city council shall hold a public hearing at which time it will consider the adoption of a resolution designating the affected private property, and the prohibitions and/or rules for use of bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, pedicabs, roller skates, scooters, skateboards, or other vehicles. In adopting the resolution, the council shall find that the operation of bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, pedicabs, roller skates, scooters, skateboards, or other vehicles causes safety problems or interferes with the use of the walkway by pedestrians.

B. *Unlawful use.* If a pedestrian walkway or the property designated in a city council resolution, adopted pursuant to this chapter, is posted with signs prohibiting or regulating the use of bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, pedicabs, roller skates, scooters, skateboards, or other vehicles, it shall be unlawful for any person to operate or use any bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-

speed vehicles, pedicabs, roller skates, scooters, skateboards, or other vehicles on any such pedestrian walkway except in a manner consistent with the prohibition and/or rules set forth on such signs. The sign shall identify the prohibited activity, include a citation to this chapter, and be posted in a conspicuous location, made of a durable material, and posted in a permanent manner.

Sec. 16.350.070. Exceptions.

Notwithstanding any other provision of this chapter to the contrary, this chapter shall not be applicable to:

1. Tricycles, wheelchairs, or other wheeled devices or conveyances operated by the disabled and tricycles ridden by children under the age of five;
2. Devices or conveyances whose primary purpose is used for carrying infants, small children, or goods; or,
3. Conveyances operated by any employee, contractor, or agent of the city and acting within the course and scope of his or her employment, or any other person authorized by the City in writing to operate such a conveyance.
4. Any vehicle operated by any person or entity expressly authorized in writing by the City to operate within Main Street Moves.

Sec. 16.350.080. Violations and seizure of evidence.

A violation of this chapter shall be an infraction.

Section 2. SEVERABILITY.

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 competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 3. CEQA FINDINGS.

EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City Council further finds that the enactment of regulations pursuant to this Ordinance is determined to be exempt under Section 15061(b)(3) of the of Title 14 of the California Code of Regulations (the "State CEQA Guidelines") in that the adoption of these regulations merely implements a regulatory process that will not foreseeably result in construction activities or other physical activities, either directly or indirectly. It can therefore be foreseen that the enactment of this ordinance does not have the potential to result in significant effects on the environment.

PASSED and ADOPTED this ___ day of _____ 2023.

Joe Schroeder
Mayor

ATTEST:

Michael B. MacDonald, CMC
City Clerk

APPROVED AS TO FORM

Andrew Heglund, City Attorney



Christopher De La Vega (Jun 5, 2023 15:43 PDT)

By: _____

Christopher de la Vega
Assistant City Attorney

_____ Date