

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTERS II (BICYCLE TRAFFIC) AND III (BICYCLE PARKING RACKS, SECURING OF BICYCLES) OF TITLE 4 (BICYCLES) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO BICYCLE TRAFFIC AND PARKING

WHEREAS, the City of Costa Mesa, pursuant to its police power, may enact regulations for the public peace, morals, and welfare of the City; and

WHEREAS, the City of Costa Mesa desires to amend the provisions of the Costa Mesa Municipal Code to impose regulations related to health, safety and welfare; and

WHEREAS, the City Council of the City of Costa Mesa hereby finds that to promote and protect the public health, safety and welfare, various pedestrian, bicycle and other transportation related provisions of the Municipal Code should be revised to be consistent with the California Vehicle Code.

WHEREAS, the City of Costa Mesa, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) has determined that the ordinance is not a "project" and further, that it is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) such that no environmental review under CEQA is required; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapters II (Bicycle Traffic) and III (Bicycle Parking Racks, Securing of Bicycles) of Title 4 (Bicycles) of the Costa Mesa Municipal Code are each hereby amended as follows:

See attached Exhibit "A".

Section 3. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) the ordinance is not a "project" and further, that it can be seen with certainty that there is no possibility that the ordinance in question may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required, pursuant to CEQA Guidelines Section 15061(b)(3).

ATTACHMENT 1

Section 4. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 5. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason 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 portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 7. Certification. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

PASSED AND ADOPTED this 16th day of July, 2024.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

ATTACHMENT 1

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 2024-08 was duly introduced for first reading at a regular meeting of the City Council held on the 18th day of June 2024, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the 16th day of July 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16th day of July, 2024.

BRENDA GREEN, CITY CLERK

(SEAL)

Title 4 Bicycles

Chapter I (RESERVED)

Chapter II BICYCLE TRAFFIC

§ 4-22 “Bicycle” defined.

(a) A “bicycle” is a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having either two or three wheels in tandem or tricycle arrangement.

(b) An “electric bicycle” is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

(1) A “class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) A “class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle,” is a 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 the speed of 20 miles per hour.

(3) A “class 3 electric bicycle,” or “speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and is equipped with a speedometer.

(Ord. No. 73-20, § 2, 6-4-73)

§ 4-23 “Bicycle lane” defined.

A “bicycle lane” shall be that portion of a public street distinctively and clearly marked on the pavement, and having appropriate identifying and traffic signs, separating that portion of the public street to be traversed by bicycles from the portion to be traversed by motor vehicles. Bikeways include Class I, Class II, Class III, and Class IV as outlined in the CalTrans Highway Design Manual.

(Ord. No. 73-20, § 2, 6-4-73)

~~§ 4-24 Bicycle lanes established.~~

~~The following bicycle lanes are established on the following public streets in the City of Costa Mesa:~~

~~(a) On the north side of Arlington Drive, between the curb face and eight feet south of the curb from Fairview Road to the east property line of the Maude B. Davis School at all times.~~

~~(b) On the east side of California Street between the curb face and eight feet west of the curb from Gisler Avenue to Michigan Avenue at all times.~~

~~(c) On the south side of Hamilton Street between the curb face and eight feet north of the curb from Wallace Avenue to Meyer Place at all times.~~

- ~~(d) On the east side of Santa Ana Avenue between the curb and eight feet west of the curb face from 20th Street to 23rd Street at all times.~~
 - ~~(e) On both sides of Estancia Drive between the curb and four feet to five feet out on the street from Adams Avenue to a point 680 feet north of Joann Street at all times.~~
 - ~~(f) On the east side of Mendoza Drive between the curb and eight feet westerly from Baker Street to El Camino Drive between 2:00 p.m. and 4:00 p.m. weekdays, except holidays.~~
 - ~~(g) On the west side of Mendoza Drive between the curb and eight feet easterly from Baker Street to El Camino Drive between 7:00 a.m. and 9:00 a.m. weekdays, except holidays.~~
- ~~(Ord. No. 73-20, § 2, 6-4-73)~~

§ 4-25 Modification, deletion or addition to bicycle lanes; master plat plan of lanes.

~~The bicycle lanes established by this chapter may be modified, deleted, or added to from time to time by resolution of the city council.~~ A master plat plan of bicycle lanes throughout the City of Costa Mesa shall be maintained and kept current by the transportation services engineer/manager, and each modification, deletion or addition established by resolution shall be appropriately indicated on said plat plan. Said plat plan shall be accessible to members of the public during normal business hours of the City of Costa Mesa.

~~(Ord. No. 73-20, § 2, 6-4-73)~~

§ 4-26 Rules of the road.

- ~~(a) It is unlawful for any motor vehicle to drive in, over or upon any bicycle lane established by this chapter or established by any resolution as herein provided for, except for the purpose of ingress or egress to adjacent property and except for crossing at intersecting streets.~~

~~No person shall drive a motor vehicle in a bicycle lane established on a roadway pursuant to Section 21207 except as follows:~~

~~(1) To park where parking is permitted.~~

~~(2) To enter or leave the roadway.~~

~~(3) To prepare for a turn within a distance of 200 feet from the intersection.~~

~~(4) Motorized bicycles as defined by the California Vehicle Code Section 406(a) and electric bicycles as defined in § 4-22(b) are permitted in a bicycle lane, at a speed no greater than is reasonable or prudent, and in a manner that does not endanger the safety of other bicyclists or the rider.~~

- ~~(b) It is unlawful for any bicycle, as herein defined, to drive in, over or upon that portion of the public street outside of a bicycle lane as established by this chapter or any resolution hereinafter passed by the city council, except for the purposes of ingress and egress to the bicycle lane, and except for street crossings at intersections.~~

- ~~(c) Except as herein provided, the rules of the road established by the Vehicle Code and Article 4 of~~

~~Chapter 1, Division 11, sections 21200 through and including 21207 California Vehicle Code shall be in full force and effect on the city streets of the City of Costa Mesa, as though fully set forth in this chapter.~~

Whenever a bicycle lane has been established on a roadway pursuant to § 4-23, any person riding a bicycle upon the roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride within the bicycle lane, except that the 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 the 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: (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 in the bicycle lane.

(4) When approaching a place where a right turn is authorized.

~~(cd) Except in established bicycle lanes, it is unlawful for any person to ride a bicycle on any public street, roadway or highway anywhere except as near the right hand curb or edge of the roadway as practical or in the case of streets, roadways or highways carrying traffic in one direction only, as near as practical to the far left hand or far right hand curb or edge of said roadway, and in each instance exercising due care when passing a standing vehicle or one proceeding in the same direction. No person riding a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal in the event that any vehicle may be affected by the movement.~~

~~(de) Notwithstanding the provisions of section 10-134 of the Costa Mesa Municipal Code, whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian, bicyclist or vehicle exiting or entering any driveway or alley. — Any person riding a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that 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, subject to the provisions of Section 21656 of the California Vehicle Code. For purposes of this section, a “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.~~

~~(4) When approaching a place where a right turn is authorized.~~

~~(5) When the roadway carries traffic in one direction and has two or more marked traffic lanes, then the person may ride as near the left-hand curb or edge of that roadway as practicable.~~

~~(e) No person shall ride a bicycle in a manner or at an unreasonable speed upon a roadway or sidewalk~~

which endangers the safety of pedestrians, the rider, other cyclists, motorists or property. Bicycle riders will ride in a manner and at speeds that are reasonable and prudent having due regard for weather, visibility, traffic conditions, and the surface and width of the roadway or sidewalk. No person should ride a bicycle upon a at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the , and in no event at a speed which endangers the safety of persons, property, or the rider.

(hf) Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian, and when overtaking and passing a pedestrian, shall give an audible signal and shall pass to the left of the pedestrian only under conditions permitting such movement in safety. For the purpose of this section, Class I Multipurpose Trails shall be considered sidewalks.

(g) A person riding a bicycle upon a roadway or Class I Multipurpose Trail has all the provisions applicable to the driver of a vehicle by this division, including, but not limited to, provisions concerning driving under the influence of alcoholic beverages or drugs, and except those provisions applicable to a driver of a vehicle which by their very nature can have no application to the rider of a bicycle.

(h) All persons riding a bicycle shall yield the right of way to all pedestrians, other cyclists, and vehicles in the following situations:

(1) When entering a roadway or sidewalk from private property; including but not limited to an alley, driveway and residential or commercial property.

(2) When entering a roadway from a sidewalk or Class I Multipurpose Trail.

(g)(i) A person operating a bicycle upon a highway shall not ride other than upon or astride a permanent and regular seat attached thereto, unless the bicycle was designed by the manufacturer to be ridden without a seat. An operator shall not allow a person riding as a passenger, and a person shall not ride as a passenger, on a bicycle upon a highway other than upon or astride a separate seat attached thereto. 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. ride

(Ord. No. 73-20, § 2, 6-4-73; Ord. No. 90-8, § 2, 6-4-90)

§ 4-27 Signs.

The ~~transportation~~ Transportation services ~~Services engineer~~ Manager shall design and install appropriate signs identifying bicycle lanes and regulating bicycle traffic therein. ~~He~~ They shall also install appropriate traffic regulating signs for motor vehicles on those streets having bicycle lanes. ~~The traffic regulation signs herein provided for shall be distinctively designed and colored so as not to be confusing to the operators of either of motor vehicles or riders of bicycles.~~ The signs identifying bicycle lanes and regulating traffic thereon shall be designed and colored so as to be readily understood by children of school age.

(Ord. No. 73-20, § 2, 6-4-73)

§ 4-28 Penalties.

Violations of this chapter unless otherwise punishable under sections of the California Vehicle Code shall be deemed a misdemeanor and shall be punishable as provided for in section 1-33 of the Costa Mesa Municipal Code.

(Ord. No. 73-20, § 2, 6-4-73)

Chapter III
BICYCLE PARKING RACKS, SECURING OF BICYCLES

§ 4-32 **Purpose and findings.**

- (a) ~~The uncontrolled placement and tethering or securing of bicycles in public rights-of-way and semi-public rights-of-way, on or to public property, presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way, including pedestrians and persons entering and leaving vehicles and buildings.~~
- (b) ~~Bicycles so located on public property as to cause an inconvenience or danger to persons using public rights-of-way and semi-public rights-of-way, and as to cause an unsightly appearance, constitute public nuisances. It shall be unlawful to place, tether, or secure a bicycle on public property so as to cause an inconvenience or danger to persons using the public right of way.~~
- (b) (Reserved)
- (c) ~~(Reserved) These factors constitute an unreasonable interference with and obstruction of the use of the public rights-of-way and semi-public rights-of-way, are injurious to health, offensive to the senses, and constitute such an obstruction of the free use of property as to interfere in the comfortable enjoyment of life and property by the entire community.~~
- (d) The governing body recognizes, however, that many residents use bicycles as a primary means of transportation as well as for recreational purposes, or as a means to visit the city, and that adequate facilities need to be in place for the safe and secure parking and storage of these bicycles. ~~These competing interests require a reasonable accommodation which can be satisfactorily achieved through this chapter, designed to provide for the placement of bicycle parking racks and to regulate the place and manner of bicycle parking on public property and in public rights-of-way and semi-public rights-of-way in the city.~~
- (e) The provisions and prohibitions hereinafter enacted are for the purpose of securing and promoting the general welfare of persons in the city in their use of public rights-of-way ~~and semi-public rights-of-way~~ and other public property through the regulation of bicycle parking in the city so as to:
- (1) ~~(Reserved) Provide for pedestrian and driving safety and convenience;~~
 - (2) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress to, or egress from, any place of business, or from the street to the sidewalk, use of the sidewalk, use of public parks or property;
 - (3) Provide reasonable access for the use and maintenance of public sidewalks, poles, traffic signs and signals, hydrants, mailboxes, trees, and similar appurtenances, and access to locations used for public transportation purposes;
 - (4) ~~(Reserved) Reduce visual blight on the public rights-of-way and semi-public rights-of-way, protect the aesthetics and value of surrounding properties, and protect the quiet enjoyment of public areas;~~
 - (5) Reduce exposure of the city to personal injury or property damage claims and litigation;
 - (6) Protect and safeguard bicycles from vandalism, damage or theft.

(Ord. No. 12-5, § 1, 8-7-12)

§ 4-34 **Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

Bicycle parking rack means a rack for the storage, parking and securing of bicycles.

~~*Bicycle rack space* means the space sufficient for securing one bicycle to the bicycle parking rack.~~

~~*Bicycle* means and includes any device as defined in § 4-22, the California Vehicle Code section 39000, and includes a “motorized bicycle,” as defined in California Vehicle Code section 406, as amended.~~

(Ord. No. 12-5, § 1, 8-7-12)

§ 4-36 **Prohibited acts.**

- (a) No person shall park, tether or secure a bicycle upon or to any ~~sidewalks, poles,~~ traffic signs or signals, hydrants, transit stops, mailboxes or in any location that interferes with the flow of pedestrian or vehicular traffic, ~~trees, fences and similar appurtenances or on or in any public rights-of-way and semi-public rights-of-way or in any other fashion on or to anything other than a bicycle parking rack installed for that purpose, except that bicycles may be parked on private property with the consent of the property owner.~~
- (b) ~~(Reserved) Anything affixed to, or on a bicycle tethered or otherwise secured to a bicycle rack shall fit in one bicycle rack space and shall not protrude into any adjacent bicycle rack space.~~
- (c) All bicycles discovered by the city to have been tethered or secured upon or to any traffic signs or signals, hydrants, transit stops, mailboxes or in any location that interferes with the flow of pedestrian or vehicular traffic ~~any sidewalks, poles, traffic signs or signals, hydrants, mailboxes, trees, fences and similar appurtenances or on or in any public rights-of-way and semi-public rights-of-way or in any other fashion on or to anything other than a bicycle parking rack installed for that purpose,~~ or abandoned or otherwise left on public streets, side-walks, public property beyond a reasonable amount of time, or on private property without the consent of the owner shall be seized and impounded by the city. The owner of such bicycles may claim them from the city by paying a fine in an amount to be established by resolution of the city council, as may be amended from time to time, for each bicycle claimed, to cover the municipal retrieval costs, and, in addition thereto, shall pay one dollar (\$1.00) per day, or an amount to be established by the city by resolution from time to time, for storage of each such bicycle. The city shall have the right to impound and retain possession of any bicycle in violation of the provisions of this chapter and may retain possession of such bicycle until the provisions of this chapter are complied with. Bicycles which remain impounded pursuant to this section for longer than a ninety-day period may be sold at auction or donated in accordance with laws governing the disposal of abandoned property generally.
- (d) In order to claim a bicycle from impound, the owner must present a bicycle registration card from an organization such as Project 529 or similar, or be able to identify the bicycle by make, color or any other fashion sufficient to identify the bicycle. The city shall not be responsible for any bicycle impounded or released to a person claiming to be the owner thereof.

(Ord. No. 12-5, § 1, 8-7-12)

§ 4-38 **Bicycle parking rack locations.**

For the public convenience, the city ~~, together with private contributions,~~ has placed bicycle parking racks throughout the municipality, and with emphasis on areas where bicycles have historically been parked or where a bicycle rack has been requested by the public. Interested persons may obtain a list of the locations of all city bicycle racks from the city clerk.

(Ord. No. 12-5, § 1, 8-7-12)

~~§ 4-40 **Violation; penalty.**~~

~~Any person who violates any of the provisions of this chapter shall be guilty of an infraction and shall, upon conviction thereof, be subject to a fine of \$10 for each violation.~~

~~(Ord. No. 12-5, § 1, 8-7-12)~~