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**Title:** ADOPTION OF ORDINANCES TO AMEND CHAPTERS 2 AND 3 OF TITLE 4 (BICYCLES); AND CHAPTERS 1 THROUGH 21 OF TITLE 10 (MOTOR VEHICLE TRAFFIC) OF THE COSTA MESA MUNICIPAL CODE

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Report, 2. 1. Title 4 Ordinance with Exhibit A, 3. 2. Title 10 Ordinance with Exhibit A

Date	Ver.	Action By	Action	Result
7/16/2024	1	REGULAR CITY COUNCIL AND HOUSING AUTHORITY*		

**TITLE:**

**ADOPTION OF ORDINANCES TO AMEND CHAPTERS 2 AND 3 OF TITLE 4 (BICYCLES); AND CHAPTERS 1 THROUGH 21 OF TITLE 10 (MOTOR VEHICLE TRAFFIC) OF THE COSTA MESA MUNICIPAL CODE**

**DEPARTMENT:** PUBLIC WORKS AND POLICE DEPARTMENTS

**PRESENTED BY:** BRETT ATENCIO THOMAS, ACTIVE TRANSPORTATION COORDINATOR AND BRYAN WADKINS, POLICE CAPTAIN

**CONTACT INFORMATION:** BRETT ATENCIO THOMAS, ACTIVE TRANSPORTATION COORDINATOR, (714) 754-5343

**RECOMMENDATION:**

Staff recommends the City Council:

1. Adopt Ordinance No. 2024-08, to amend Chapters 2 and 3 of Title 4 (Bicycles) of the Costa Mesa Municipal Code to be in compliance with current California laws related to bicycles and current practices and procedures.
2. Adopt Ordinance No. 2024-09, to amend Chapters 1 through 21 of Title 10 (Motor Vehicle Traffic) of the Costa Mesa Municipal Code to be in compliance with current California laws and related to bicycles and current practices and procedures.

**BACKGROUND:**

At the June 18, 2024 City Council meeting, the Council considered modifications to the Costa Mesa Municipal Code recommended by staff from the City Attorney's Office, Costa Mesa Police Department, and the Public Works Department and duly noted in the above recommended Ordinances, heard public comment, and introduced the Ordinances for first reading by title only, waiving further reading, by a 7-0 vote. The City Council's motion included minor modifications to the recommended Municipal Code updates (described further below), and requested increased Police Department enforcement of particular sections of the Costa Mesa Municipal Code.

### **ANALYSIS:**

At the June 18, 2024 City Council Meeting, the Council directed staff to revise certain language within the Costa Mesa Municipal Code beyond staff's initial recommendations. Specifically, the City Council's motion made the following recommendations:

- A global review of Title 4 and Title 10 to update all mentions of "accident" to "collision".
- A global review of Title 4 and Title 10 to update all mention of "he" and "she" to "they".
- A global review of the term "nuisance" as it relates to bicycles to ensure consistency with other terms regarding the public right-of-way.
- §4-26(e) and §4-26(h) incorporate "other cyclists".
- §4-32(a) adopt City Attorney language with the change from "nuisance" to "unlawful": "It shall constitute a public nuisance 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."
- §10-64 reintroduce "on a highway" language.
- Develop public education regarding §10-168 overtaking of cyclist.
- Increase enforcement of section §10-155 obstructing intersections.
- Develop public education to encourage parents to purchase Class I E-bikes for children under 18 in lieu of Class II and Class II E-bikes.

Based upon this motion, staff made revisions to the proposed Costa Mesa Municipal Code updates shown in Exhibit A to Attachments 1 and 2.

### **ALTERNATIVES:**

The City Council may adopt the Ordinances as proposed, modify the Ordinances, or not adopt the Ordinances, however, the City would no longer be able to enforce compliance as it would conflict with state law. Additionally, if the City Council chooses to make substantive modifications to the Ordinances after introduction, the modified Ordinances would need to be brought back at a future meeting for adoption.

### **FISCAL REVIEW:**

There is no fiscal impact to revising Chapters 2 and 3 to Title 4 (Bicycles); and Chapters 1 through 21 to Title 10 (Motor Vehicle Traffic) of the Costa Mesa Municipal Code.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and proposed Ordinances, and approves them as to form.

**CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the City Council Goal:

- Strengthen the public's safety and improve the quality of life.

**CONCLUSION:**

Staff recommends the City Council:

1. Adopt Ordinance No. 2024-08 to amend Chapters 2 and 3 of Title 4 (Bicycles) of the Costa Mesa Municipal Code to be in compliance with current California laws related to bicycles and current practices and procedures.
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