

ORDINANCE NO. 2095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 14.28.042 OF CHAPTER 14.28 OF TITLE 14 OF THE MANHATTAN BEACH MUNICIPAL CODE TO PROHIBIT REGULATE ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. Presently State law provides that the users of electric personal assistive mobility devices (also known as EPAMD's or by the brand name "Segway") are to be considered as pedestrians for purposes of traffic regulations and is thus permitted to operate on sidewalks and roadways.
- B. However, Vehicle Code section 21282 provides that a city may pass a local ordinance which regulates the time, place and manner of operation of EPAMD's;
- C. It is in the best interest of the health, safety and welfare of the citizens of the City of Manhattan Beach to provide safety oriented regulations regarding operation of EPAMD's.

SECTION 2. The City Council of the City of Manhattan Beach hereby adds a new Section 14.28.042 to Chapter 14.28 of Title 14 the Manhattan Beach Municipal Code as follows:

"14.28.042 Use of EPAMD's

(a). DEFINITIONS:

The term "downtown area" refers to that portion of the City of Manhattan Beach west of Ardmore Avenue, east of the mean high tide line north of 8th Street and South of 15th Street.

The term "Electric Personal Assistive Mobility Device" (which may also be referred to as an EPAMD or Segway) shall mean a self-balancing, non-tandem, two wheeled device that can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 75 watts (1 horsepower) the maximum speed on which, when powered solely by a propulsion system on a paved level surface is 12.5 miles per hour or less.

The term "Pier" shall mean the Manhattan Beach Pier.

The term "Strand" shall mean the bicycle and pedestrian walkways which parallel the sandy beach.

(b) REGULATIONS

No person shall ride or propel any EPAMD or similar device along, or upon any street, alley, school, public parking lot, parking facility or structure. EPAMD's shall be legal to operate on sidewalks in the City of Manhattan Beach with the following exceptions:

- (1.) EPAMD's shall be prohibited within the Manhattan Beach downtown area.
- (2.) EPAMD's shall be prohibited anywhere on the Strand and Pier.
- (3.) EPAMD's shall be prohibited if the operator is not wearing a safety helmet which meets the specifications of Vehicle Code section 21212.
- (4.) EPAMD's shall be prohibited if the operator is under the age of seventeen (17) years old.
- (5.) The Chief of Police is authorized to designate any area within the City where EPAMD's are prohibited and cause the posting as required in this section. This prohibition shall not be effective unless signs are posted on the area in which EPAMD use is prohibited.
- (6.) Any person who is disabled, as defined by Vehicle Code section 295.5, shall be exempt from the restrictions of this section.

(7.) City employees conducting City business on City equipment including, but not limited to public safety officers.

(c). Any violation of this section shall be a misdemeanor, provided, however that the City Attorney in his or her discretion may file a complaint for violation of this Section as an infraction."

SECTION 3. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 5. This Ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 6. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate, posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

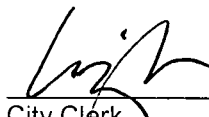
PASSED, APPROVED and ADOPTED this 20th day of February, 2007.

AYES: Montgomery, Fahey, Ward, Aldinger and Mayor Tell.
NOES: None.
ABSENT: None.
ABSTAIN: None.



Mayor, City of Manhattan Beach, California

ATTEST:



City Clerk