

ORDINANCE NO. 1711

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1 AND CLASS 2, AND CLASS 3, OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD, BEACH AND BEACH TRAIL**

WHEREAS, the San Clemente Beach Trail was constructed as a multi-use trail for use by pedestrians and bicycles, and is an important transportation and recreation opportunity for residents and visitors of San Clemente; and

WHEREAS, California Assembly Bill 1096 provides definitions for electric bicycles, allows for the operation of class 1 and class 2 electric bicycles on municipal trails, and prohibits the operation of class 3 electric bicycles; and

WHEREAS, Section 12.32.130 of the Municipal Code permits the City Council to make modifications if the City Council determines that such modification will not be contrary to the public health, safety or welfare; and

NOW, THEREFORE, the City Council of the City of San Clemente, California, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1:** Section 12.32.130 of the San Clemente Municipal Code, entitled "Cycling, skateboarding and similar activities on pier and access road," is hereby amended to read in its entirety as follows:

**12.32.130 Cycling, skateboarding and similar activities on pier, access road, beach, and beach trail.**

**A. Prohibited Activities on Pier and Access Road.** .....Except as provided below in Subsection (B) of this section, no person shall ride or permit to be ridden, drive, or permit to be driven, any bicycle, electric bicycle, tricycle, skateboard, roller skates, or similar type device on the municipal pier, accesses to the pier, service roads, or beach access roads. In addition, no person shall throw any "frisbee" or other similar device on the municipal pier, accesses to the pier, service roads, or beach access roads.

**B. Use of Bicycles on Beach and Beach Trail.** .....Riding of bicycles and electric bicycles is permitted on the Beach and Beach Trail, including those portions that overlay the beach service road, subject to the restrictions of this subsection B. Riding of bicycles on the Beach and Beach Trail is not permitted between the pier and the south end of the Trafalgar Canyon Bridge from June 15

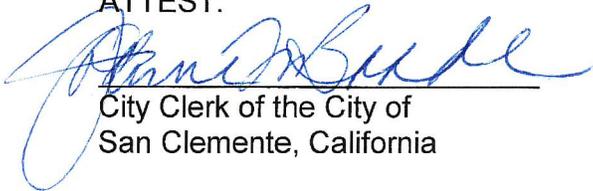
through Labor Day. Riding of bicycles is not permitted on Riviera Beach Trail Bridge, Montalvo Beach Trail Bridge, Mariposa Bridge, or on the asphalt area extending north and south of the base of the pier at any time. Bicycle owners are permitted to walk their bicycles through restricted areas and at restricted times. Bicycles may be ridden at a maximum speed of ten (10) mph on all portions of the Beach and Beach Trail. Electric and non-electric bicycles must yield to pedestrians. Reckless riding of bicycles is prohibited, and no persons shall allow their bicycle to block or be left unattended on the Beach and Beach Trail at any time.

**C. Modification.** .....In the event of special circumstances so warranting, the City Council may by resolution modify the requirements established herein. Modifications by the City Council shall only be made if the City Council determines that such modification will not be contrary to the public health, safety or welfare.

**Section 2:** The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED, ADOPTED and SIGNED this 2nd day of March, 2021.

ATTEST:

  
\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

  
\_\_\_\_\_  
Mayor of the City of San  
Clemente, California

STATE OF CALIFORNIA            )  
 COUNTY OF ORANGE            ) ss.  
 CITY OF SAN CLEMENTE        )

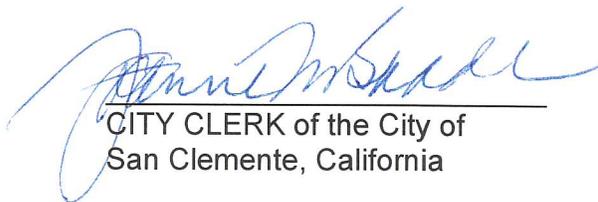
I, **JOANNE BAADÉ**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1711 having been regularly introduced at the meeting of February 2, 2021, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 2nd day of March, 2021, and said ordinance was adopted by the following vote:

AYES:     DUNCAN, FERGUSON, JAMES, KNOBLOCK, MAYOR WARD

NOES:     NONE

ABSENT:   NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 16<sup>TH</sup> day of MARCH, 2021.

  
 \_\_\_\_\_  
 CITY CLERK of the City of  
 San Clemente, California

APPROVED AS TO FORM:  
  
 \_\_\_\_\_  
 CITY ATTORNEY