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-Chapter 12.56

BICYCLES AND SIMILAR DEVICES—REGISTRATION AND REGULATIONS

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12.56.010 Definitions.

As used in this chapter, the following terms and words shall have the following meanings:

“Bicycle” has the same meaning as defined in California Vehicle Code Section 231.

“Bicycle lane” means a portion of a roadway that has been designated by striping, signage, or pavement markings for the preferential or exclusive use of bicycles.

“Electric bicycle” has the same meaning as defined in California Vehicle Code Section 312.5.

“Electrically motorized board” has the same meaning as defined in California Vehicle Code Section 313.5.

“Motorized bicycle” has the same meaning as defined in California Vehicle Code Section 406.

“Motorized scooter” has the same meaning as defined in California Vehicle Code Section 407.5.

“Motorized wheeled conveyance” means any ~~device upon~~ electric bicycle, electrically motorized board, motorized bicycle, or motorized scooter, or any similar electric or combustible motorized wheeled conveyance.

“Pedicab” has the same meaning as defined in California Vehicle Code Section 467.5.

“Public plaza” means an open public area that is owned or controlled by the State, the County, the City, or other public entity that has been physically improved, ~~which a person may ride, which is propelled by human power through a system of belts, chains or gears~~ allows access to the beach, a boardwalk, or public pier, and ~~which has two wheels at least twenty (20) inches in diameter~~ where people can gather.

"Public rights-of-way" or "public right-of-way" means a public roadway, highway, street, sidewalk, path, trail, plaza, bicycle lane, boardwalk, or alleyway that is located within the jurisdictional boundaries of the City and a frame size of at least fourteen (14) inches subject to the City's regulatory authority.

"Pedicab" means any device with seating for one or more persons which is propelled by human power through a system of peddles, belts, chains or gears, and which has three wheels.

"Surrey cycle" means any device a bicycle or electric bicycle with seating for one (1) or more persons which is propelled by human power through a system of peddles, belts, chains or gears, and which has four wheels (4) or more wheels.

12.56.025 ___ Voluntary Licensing.

A. Any person who is a resident of the City may apply to the Police Department for a bicycle or electric bicycle license. Motorized bicycles shall be licensed by the Department of Motor Vehicles and require a Driver's License to operate.

B. Fees for bicycle or electric bicycle license issuance or renewal, shall be established by resolution of the City Council. Fees shall be waived for all individuals who obtain a bicycle or electric bicycle license or renewal at a City sponsored bicycle safety program.

12.56.030 ___ Operating ~~Bicycle~~ on ~~Sidewalk~~ Sidewalks.

A. ~~Prohibition.~~ No person shall operate or ride a bicycle or electric bicycle upon any sidewalk in except where such operation is specifically designated by resolution of the City Council or as otherwise authorized in subsection (B).

B. Exceptions. The provisions of this section shall not apply to:

1. Sidewalks on which bicycles are permitted pursuant to a resolution adopted by the City Council;

2. Tricycles, wheelchairs, or wheeled devices operated by the disabled or the elderly;

3. Rollerskates, rollerblades or skateboards or similar devices, except when operation is prohibited by the provisions of Chapter 12.57 of this Code;

4. A mobility aid used by a person to assist with a disability.

2. Tricycles which measure less than one of the following:

- a. Eighteen (18) inches from ground level to the neck joint,
- b. Twenty-four (24) inches in width measured from the outer rear wheels,
- c. Eighteen (18) inches in front tire diameter, or
- d. Twelve (12) inches in rear tire diameter.

~~5. To a3. Any bicycle or electric bicycle operated by any peace officer employed by the City of Newport Beach and employee or contractor when acting within the course and scope of his or her employment.~~

~~4. Sidewalks fronting residential dwelling units in residential neighborhoods, unless otherwise signed or marked.~~

12.56.040 Operating a Surrey Cycle or Pedicab.

A. No person shall operate or ride a surrey cycle or pedicab upon any sidewalk, boardwalk or any public pier in the City.

B. Any person who operates a surrey cycle or pedicab rental service, shop or facility must inform each person who rents a surrey cycle or pedicab at the time of the rental, in writing, of the restrictions contained in this section. Each rental surrey cycle or pedicab shall be posted to clearly inform each rider of the particular areas in the City where surrey cycles and pedicabs are prohibited.

C. Any person who operates a surrey cycle or pedicab rental service, shop or facility, shall affix to each rented surrey cycle or pedicab, a flag of sufficient size and color to increase visibility of the surrey cycle or pedicab. The flag, which shall be of international orange or similar color, and of sufficient size to enhance the visibility of the surrey cycle or pedicab, shall be affixed so that it reaches three (3) feet above the highest portion of the surrey cycle or pedicab.

12.56.050 Designation of Bicycle Lanes.

The City Traffic Engineer is authorized to designate bicycle lanes on streets and shall mark and sign them in conformance with California Vehicle Code Section 21400.

12.56.060 ~~Obedience to Signs~~ Safe Operation.

~~A. No person shall operate or ride a motorized wheeled conveyance upon any public right-of-way, or within any public park in a manner that is unsafe or that creates an unreasonable risk of injury to any person or damage to any property.~~

~~When signs are erected on any street or sidewalk giving notice that a portion of that street or sidewalk has been designated as a bicycle lane, no person shall drive, park, or operate any vehicle or any bicycle or other wheeled device or conveyance in any manner contrary to the directions posted on such signs.~~

~~B. Examples of operating or riding in an unsafe manner include, but are not limited to, the following actions:~~

~~1. Riding on a sidewalk designated as permissible without due caution for pedestrians, which shall include, but not be limited to, weaving between pedestrians, operating an electric bicycle at full power on crowded sidewalks, riding while distracted, or riding at night without lights.~~

2. Riding on a public right-of-way against the flow of traffic.
3. Failing to yield to vehicles or pedestrians when required by the California Vehicle Code.
4. Intentionally swerving or riding around stopped or slowed traffic.
5. Carrying passengers on bicycles or electric bicycles not designed or equipped for multiple riders.
6. Disobeying posted traffic signs, pavement markings or traffic control signals.
7. Riding without a properly fitted and fastened helmet when under the age of 18.
8. Intentionally lifting one or more wheels off the ground while riding.
9. Riding on public right-of-way at a speed greater than reasonable or prudent under the existing conditions, or at a speed which endangers the safety of persons or property.
10. Failing to utilize a designated bicycle lane when signs are posted requiring such use.

12.56.070 Placement of Appropriate Signs.

Whenever this Code or any ordinance or resolution of the City designates any portion of a ~~street or sidewalk as a bicycle lane to allow cycling~~, the City Traffic Engineer shall place and maintain signs giving notice thereof, ~~and no such regulation shall be effective unless such signs are in place.~~

12.56.080 ~~Motorized Bicycles~~ Penalties, Impoundment, and Diversion.

~~The licensing~~

A. Unlawful Acts. It shall be unlawful for any person to violate any provisions of, or to fail to comply with, any of the requirements of this chapter~~are~~.

B. Enforcement and Impoundment. In addition to the fines and penalties that may be assessed to minor pursuant to this Code, the Chief of Police or any officers of the Newport Beach Police Department charged with enforcing this chapter, may impound the motorized wheeled conveyance operated in violation of this chapter. Upon impoundment of a motorized wheeled conveyance, the minor shall be provided with written notice that possession of the impounded motorized wheeled conveyance shall be retained until released to a responsible adult. Motorized wheeled conveyances impounded and retained by the Police Department for more than ninety (90) days shall be deemed abandoned and may be disposed of as restricted by Civil Code Sections 2080.1, 2080.2, 2080.3, 2080.4 and 2080.5. The responsible adult shall be responsible for any impound fees adopted by resolution of the City Council.

C. Diversion Program. The Chief of Police shall establish and administer a motorized wheeled conveyance diversion program designed to educate violators on safe riding practices and~~applicable to motorized bicycles as that term is defined by California Vehicle~~

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~~Code Section 406~~—traffic laws. Participation in the diversion program shall be offered to minors who are first-time offenders and may, in the discretion of the Chief of Police, be offered to other violators. If the diversion program is successfully completed by the violator, or in the case of a minor, by the minor and the minor's parent or guardian, the City Attorney is authorized not to file the citation, dismiss the citation and waive any penalties related thereto. The diversion program shall include, but not be limited to, instruction on: (1) traffic laws applicable to the use of motorized wheeled conveyances; (2) safe and courteous riding practices; (3) the proper use of safety equipment; and (4) the responsibilities of cyclists in shared public spaces. A fee for participation in the diversion program shall be established by resolution of the City Council.