

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING SECTION 10.24.040 OF TITLE 10 AND SECTION 12.04.050 OF TITLE 12 OF THE TEMECULA MUNICIPAL CODE TO ESTABLISH RULES AND REGULATIONS FOR THE OPERATION OF E-BIKES ON SIDEWALKS AND WITHIN PUBLIC PARKS, AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 10.24.040 (Bicycles on sidewalks - When allowed) of Chapter 10.24 (Driving Rules) of Title 10 (Vehicles and Traffic) of the Temecula Municipal Code is hereby amended in its entirety to read as follows:

“10.24.040 Bicycles on Sidewalks and Trails

- A. Notwithstanding the provisions of Section 10.24.030, bicycles, Class 1 E-bikes, and Class 2 E-bikes may be ridden on sidewalks except as follows:
 - 1. No person shall ride a bicycle, Class 1 E-bike, or Class 2 E-bike upon a sidewalk within any business district; upon the sidewalks of bridges; in pedestrian underpasses; on pedestrian overpasses; or upon sidewalks adjacent to any school building.
 - 2. No person shall ride a bicycle, Class 1 E-bike, or Class 2 E-bike upon a sidewalk in an area where riding a bicycle or unicycle is prohibited by ordinance of the city council and appropriate signage is posted advising of the prohibition.
- B. Any person riding a bicycle, Class 1 E-bike, or Class 2 E-bike upon a sidewalk shall ride in the direction of travel in a safe manner with due care and caution, 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. Any person riding a bicycle, Class 1 E-bike, or Class 2 E-bike, upon entering a roadway or driveway from a sidewalk, shall yield to all traffic.
- C. Class 3-bikes are prohibited from being ridden on all sidewalks and trails.
- D. Notwithstanding the provisions of Section 10.24.030, bicycles, Class 1 E-bike, and Class 2 E-bike may be ridden on trails within the City.
- E. Notwithstanding the provisions of Section 10.24.030 and Section 12.04.050, only bicycles may be ridden within City parks.

- F. As used in this section the following words are defined as follows:
1. Bicycle means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels, including, but not limited to, a bicycle, electric bicycle, unicycle, skateboard, roller skates, or other wheeled toys.
 2. An electric bicycle (E-bike) is a bicycle equipped with an electric motor of less than 750 watts. There are three classes of E-bikes:
 - i. Class 1 E-bike: 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.
 - ii. Class 2 E-bike: A bicycle equipped with a motor that provides assistance via throttle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
 - iii. Class 3 E-bike: 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 equipped with a speedometer.
- Any E-bike with a motor rated higher than 750 watts is considered a motor vehicle and subject to California Vehicle Code rules and regulations and should only be ridden where cars and other motor vehicles are permitted.
3. "Sidewalk" means that portion of city right-of-way designated or used for pedestrian travel, including, but not limited to, sidewalks and portions of sidewalks."

Section 2. Section 12.04.050 (Operation of Vehicles) of Chapter 12.04 (Park and Recreation Area Use Regulations) of Title 12 (Streets, Sidewalks and Public Places) of the Temecula Municipal Code is hereby amended in its entirety to read as follows:

"12.04.050 Operation of Vehicles

- A. Roads for Public Use. The provisions of the California Vehicle Code are applicable in the city parks upon any way or place of whatever nature which is publicly maintained and open to the use of the public for purposes of vehicular travel. All violations of the Vehicle Code shall be enforced and prosecuted in accordance with the provisions thereof.
- B. Surfaces Other than Roads for Public Use- No person shall drive or otherwise operate a vehicle in a park upon surfaces other than those maintained and open to the public for purposes of vehicular travel, except upon temporary parking areas as may be designated from time to time by the commission, and further excepting vehicles in the service of the city, animal control vehicles, law enforcement vehicles and motorized wheelchairs.
- C. Skateboards. No person shall ride or operate a skateboard in any designated city park unless that person is wearing a helmet, elbow pads and knee pads. Any person failing to do so will be subject to citation under this chapter.

D. Bicycles. Bicycles are allowed within City parks.

E. Electric Bicycles (E-bikes). No person shall ride or operate an electric bicycle within city parks, except upon Class 1 bike trails that are adjacent to, or within said city parks.”

Section 3. In accordance with the California Environmental Quality Act (“CEQA”), the City Council has determined that the adoption of this Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment. The Ordinance makes minor policy changes addressing where e-bikes may be operated in the City. The City Council of the City of Temecula hereby adopts a Notice of Exemption for the Ordinance and directs the City Manager to file it as required by law.

Section 4. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 6. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 9th day of April, 2024.

James Stewart, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2024-02 was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 26th day of March, 2024, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the 9th day of April, 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk