



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 1 4 - 0 2 8 5

JUN 20 2014

**REPORT RE:**

**AN ORDINANCE AMENDING SUBSECTION (O) OF SECTION 63.44 OF THE LOS ANGELES MUNICIPAL CODE TO INCLUDE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES (INCLUDING SEGWAYS), AS WELL AS HYBRID, MULTIPLE-WHEELED MOTOR SCOOTER-TYPE DEVICES, AND HYBRID, MULTIPLE-WHEELED ELECTRIC PERSONAL ASSISTIVE MOBILITY-TYPE DEVICES AS DEVICES PROHIBITED FROM OPERATING ON ANY BOARDWALK, SIDEWALK, BIKE PATH OR OTHER PUBLIC WAY WITHIN THE LIMIT OF ANY PARK CONSISTING OF BEACH LANDS OR BEACH PROPERTIES ADJOINING THE WATERFRONT OF THE PACIFIC OCEAN BETWEEN THE SOUTHERLY BOUNDARY OF THE CITY OF SANTA MONICA AND WASHINGTON STREET IN THE CITY OF LOS ANGELES**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Main Street  
Los Angeles, California 90012

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Subsection (O) of Section 63.44 of the Los Angeles Municipal Code to include electric personal assistive mobility devices (including segways), as well as hybrid, multiple-wheeled motor scooter-type devices, and hybrid, multiple-wheeled electric personal assistive mobility-type devices as devices prohibited from operating on any boardwalk, sidewalk, bike path or other public way within the limit of any park consisting of beach lands or beach properties adjoining the waterfront of the Pacific Ocean between the southerly boundary of the City of Santa Monica and Washington Street in the City of Los Angeles.

The draft ordinance contains an exemption to allow a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian as defined in California Vehicle Code Section 467 to operate an electric personal assistive mobility device or other power-driven mobility device, such as a hybrid, multiple-wheeled, electric personal assistive mobility-type device, as long as the device is in compliance with the requirements set forth in California Vehicle Code Sections 21281 and 21281.5. The draft ordinance is being transmitted as an urgency ordinance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department Recreation and Parks, and the Los Angeles Police Department with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael D. Nagle at (213) 978-8141. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By   
DAVID MICHAELSON  
Chief Assistant City Attorney

DM:MDN:fa  
Transmittal

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Subsection (O) of Section 63.44 of the Los Angeles Municipal Code to include electric personal assistive mobility devices, as well as hybrid, multiple-wheeled motor scooter-type devices, and hybrid, multiple-wheeled electric personal assistive mobility-type devices as devices prohibited from operating on any boardwalk, sidewalk, bike path or other public way, unless specifically exempted in this Section within the limit of any park consisting of beach lands or beach properties adjoining the waterfront of the Pacific Ocean between the southerly boundary of the City of Santa Monica and Washington Boulevard in the City of Los Angeles.

The City finds and declares the following:

**WHEREAS**, the Venice Boardwalk and Recreation Area constitute a major tourist attraction in the City, hosting approximately 16 million visitors annually. The Boardwalk and Recreation Area are limited spaces geographically, located in a narrow, linear City park that is bounded by the beach to the West and private property to the East. The total width of the Boardwalk is only 10 feet in certain sections and only as wide as 50 feet in other limited areas. The space is further constrained by the fact the Boardwalk and Recreation Area serve as emergency ingress and egress routes; and

**WHEREAS**, there has been an increase in the use of electric personal assistive motorized devices ("EPAMDs"), as defined in California Vehicle Code Section 313, as well as hybrid, multiple-wheeled (containing three or more wheels) motorized scooters or hybrid, multiple-wheeled (containing three or more wheels) electric personal assistive motorized-type devices, currently not defined in the California Vehicle Code, operating on the Venice Boardwalk and posing a significant public safety risk to pedestrians; and

**WHEREAS**, a pedestrian on the Venice Boardwalk was seriously injured last summer when an electric personal assistive mobility device struck the pedestrian; and

**WHEREAS**, the current version of Los Angeles Municipal Code Section 63.44(O) is outdated and fails to include EPAMDs or the new generation of hybrid, multiple-wheeled motorized scooter-type devices and multiple-wheeled electric personal electric assistive mobility-type devices; and

**WHEREAS**, motorized scooters, as well as EPAMDs, which include Segway and Segway-type devices, and hybrid, multiple-wheeled motorized scooter-type devices or multiple-wheeled electric personal assistive mobility-type devices, many of which can operate up to speeds between 12.5 miles and 30 miles an hour, are dangerous to pedestrians when operated on the Venice Boardwalk or boardwalks, sidewalks, bike paths, or other public way within the limit of any park consisting of beach lands or beach properties adjoining the waterfront of the Pacific Ocean between the southerly boundary of the City of Santa Monica and Washington Street in the City of Los Angeles; and

**WHEREAS**, California Vehicle Code Section 467(b) states that a “pedestrian” includes a person who is operating a self-propelled wheelchair, motorized tricycle, or motorized quadricycle and, by reason of physical disability, is otherwise unable to move about as a pedestrian. Self-propelled wheelchairs, motorized tricycles, or motorized quadricycles as contained in California Vehicle Code Section 467(b) are not motorized scooters or EPAMDs; and

**WHEREAS**, in addition to self-propelled wheelchairs, or motorized tricycles, or motorized quadricycles, EPAMDs and other power-driven mobility devices, such as hybrid multiple-wheeled electric personal assistive mobility-type devices, are now being operated by people, who by reason of physical disability, are otherwise unable to move about as pedestrians as defined in California Vehicle Code Section 467; and

**WHEREAS**, California Vehicle Code Section 21281 sets forth the safety devices that an EPAMD must be equipped with in order to be operated in the state; and

**WHEREAS**, California Vehicle Code Section 21281.5 sets forth the safety requirements on operation of an EPAMD in the State; and

**WHEREAS**, California Vehicle Code Section 21225 permits the City, by ordinance, to regulate the registration of motorized scooters and the parking and operation of motorized scooters on pedestrian or bicycle facilities and City streets and highways, if that regulation is not in conflict with the California Vehicle Code; and

**WHEREAS**, California Vehicle Code Section 21230 permits the City, by ordinance, to prohibit the operation of a motorized scooter over a bicycle path, trail or bikeway within its jurisdiction; and

**WHEREAS**, California Vehicle Code Section 21282 permits the City to limit the use of EPAMDs or prohibit them entirely in its jurisdiction or prohibit their use in specified areas as determined to be appropriate by the City; and

**WHEREAS**, the City does not desire to discourage the use of EPAMDs or other power-driven mobility devices, such as hybrid, multiple-wheeled electric personal assistive mobility-type devices, being operated by people, who by reason of physical disability, are otherwise unable to move about as pedestrians as defined in California Vehicle Code Section 467 as long as the EPAMDs and hybrid multiple-wheeled EPAMDs are in compliance with the requirements set forth in California Vehicle Code Sections 21281 and 21281.5.

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (O) of Section 63.44 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

**O.** Within the limit of any park consisting of beach lands or beach properties adjoining the waterfront of the Pacific Ocean between the southerly boundary of the City of Santa Monica and Washington Boulevard in the City of Los Angeles:

1. No person shall operate a motorized scooter on any boardwalk, sidewalk, bike path or other public way. For the purpose of this Subsection, the term “**motorized scooter**” as defined in California Vehicle Code Section 407.5, shall mean any two-wheeled device that has handlebars, has a floorboard that is designed to be stood or sat upon when riding, and is powered by an electric motor. A “motorized scooter” may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion. For purposes of this section, a motorcycle (as defined in Vehicle Code Section 400), a motor-driven cycle (as defined in Vehicle Code Section 405), or a motorized bicycle or moped (as defined in Vehicle Code Section 406) is not a motorized scooter. A device meeting the above definition that is powered by a source other than electrical power is also a motorized scooter.

2. No person shall operate an “electric personal assistive mobility device” or “EPAMD” unless specifically exempt under Subdivisions 4(a) or (b) of this Section, on any boardwalk, sidewalk or other public way. A person may operate an EPAMD on a bike path subject to the safety and operational requirements set forth in California Vehicle Code Sections 21281 and 21281.5. An electric personal assistive mobility device or EPAMD, as defined in California Vehicle Code Section 313, shall mean a self-balancing, non-tandem two-wheeled device that is not greater than 20 inches deep and 25 inches wide and can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is no more than 12.5 miles per hour.

3. No person shall operate a “hybrid, multiple-wheeled motorized scooter-type device” or a “hybrid, multiple-wheeled electric personal assistive mobility-type device” unless specifically exempt in Subdivisions 4(a) or (b) of this Section. For purposes of this section, a hybrid, multiple-wheeled motorized scooter-type device shall mean a device that has three or more wheels, has handlebars, has a floorboard that is designed to be stood upon when riding, or a driver seat that does not interfere with the ability of the rider to stand and ride, and is powered by an electric motor, and may also be designed to be powered by

human propulsion. For purposes of this section, a hybrid, multiple-wheeled electric personal assistive mobility-type device shall mean a self-balancing, non-tandem, device containing three or more wheels that can turn in place, designed to transport only one person.

**4. Exemptions:**

(a) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the California Penal Code, or a Department of Recreation and Parks employee, when acting in the scope of his or her duties, may operate an EPAMD or a hybrid, multiple-wheeled electric personal assistive mobility-type device;

(b) A person who, by reason of physical disability, is otherwise unable to move about as a pedestrian pursuant to California Vehicle Code Section 467(b) may operate a self-propelled wheelchair, a motorized tricycle or a motorized quadricycle. A person who, by reason of physical disability, is otherwise unable to move about as a pedestrian may also operate an EPAMD or other power-driven mobility device, such as a hybrid, multiple-wheeled electric personal assistive mobility-type device, subject to the following safety and operational requirements set forth in California Vehicle Code Sections 21281 and 21281.5:

1. The EPAMD or hybrid, multiple-wheeled electric personal assistive mobility-type device shall not operate on any boardwalk, sidewalk, bike path or other public way at a speed greater than is reasonable and prudent having due regard for weather, visibility, pedestrians, and other conveyance traffic on, and the surface, width, and condition of the boardwalk, sidewalk, bike path or public way.

2. The EPAMD or hybrid, multiple-wheeled electric personal assistive mobility-type device shall not be operated at a speed that endangers the safety of persons or property.

3. The EPAMD or hybrid, multiple-wheeled electric personal assistive mobility-type device shall not be operated on any boardwalk, sidewalk, bike path or public way with willful or wanton disregard for the safety of persons or property.

4. The EPAMD or hybrid, multiple-wheeled electric personal assistive mobility-type device shall yield the right-of-way to all pedestrians on foot, including persons with disabilities using assistive devices and service animals that are close enough to constitute a hazard.

5. The EPAMD or hybrid, multiple-wheeled electric personal assistive mobility-type device shall be equipped with front, rear and side reflectors.

6. The EPAMD or hybrid, multiple-wheeled electric personal assistive mobility-type device shall be equipped with a system that enables the operator to bring the device to a controlled stop.

7. If the EPAMD or hybrid, multiple-wheeled electric personal assistive mobility-type device is operated between one-half hour after sunset and one-half hour before sunrise, a lamp emitting a white light that while the EPAMD or hybrid, multiple-wheeled electric personal assistive mobility-type device is in motion, illuminates the area in front of the operator and is visible from a distance of 300 feet in front of the device.

8. The EPAMD or hybrid, multiple-wheeled electric personal assistive mobility-type device shall be equipped with a sound emitting device that can be activated from time to time by the operator, as appropriate, to alert nearby persons.

(c) **Violations.** Any Person violating a provision of this section shall be subject to the following penalties:

1. **First violation.** A first violation of this section shall be an infraction punishable by a fine in the amount of \$100.

2. **Second and subsequent violations.** A second violation and all subsequent violations shall be subject to the provisions of Section 11.00 of the Los Angeles Municipal Code, including prosecution as an infraction punishable by a fine in the amount of \$250, or prosecution as a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

3. **Violations.** The following constitutes a violation for purposes of this Section: a conviction for violation of this Section, a conviction under Penal Code Section 853.7 for failure to appear in court to contest a citation for violations of this Section, or a forfeiture of bail.

(d) **Severability.** If any subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby

declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Sec. 2. Urgency Clause.** Based on the findings set forth above, the Council adopts this ordinance as an urgency ordinance that is required for the preservation of the public peace, health and safety. Pursuant to Charter Section 253, this ordinance shall become effective upon publication.



Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of \_\_\_\_\_.

HOLLY L. WOLCOTT, Interim City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Michael D. Nagle  
MICHAEL D. NAGLE  
Deputy City Attorney

Date 6/20/2014

File No. \_\_\_\_\_