



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

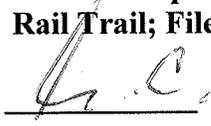
Town Council Meeting
November 16, 2016
Agenda Item: CC-2

STAFF REPORT

To: **Mayor & Members of the Town Council**

From: **Community Development Department**

Subject: **Amend Title VI, Chapter 23 (Motor Vehicles and Traffic) of the Tiburon Municipal Code to Clarify Provisions Regarding Electric Bicycles on Town Paths, including Old Rail Trail, and to Establish a 15 mile/8 mile per hour speed limit for wheeled vehicles or devices on Old Rail Trail; File MCA2016-05; Adoption of Ordinance**

Reviewed by: 

BACKGROUND

The Town Council held first reading of this ordinance following a public hearing at its meeting on November 2, 2016, and waived additional readings. The ordinance now comes to the Town Council for consideration of adoption.

PROCEDURE

This is a consent calendar item. The Council's motion to adopt this item on the consent calendar will constitute a motion to confirm the waiver of second reading from the previous meeting and adopt the ordinance. Each Councilmember's vote on the motion to approve this item on the consent calendar will constitute the equivalent of a roll call vote and will be recorded within the ordinance. Should any Councilmember choose to vote differently on this item than other items on the consent calendar, then the vote on this item should be taken separately from other items appearing on the Consent Calendar such that individual votes may be properly recorded. Should the Council wish to discuss the item, it must be removed from the Consent Calendar and voted upon separately.

RECOMMENDATION

Staff recommends that the Town Council approve the adoption of Ordinance No. 567 N. S., a draft of which is attached as **Exhibit 1**, as part of the Consent Calendar.

EXHIBIT

1. Draft Ordinance No. 567 N. S.

Prepared by: Scott Anderson, Director of Community Development 

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ORDINANCE NO. 567N.S. (DRAFT)

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
AMENDING MUNICIPAL CODE TITLE VI, CHAPTER 23 (REGULATION OF
MOTOR VEHICLES AND TRAFFIC) TO AUTHORIZE THE USE OF CERTAIN
CLASSES OF ELECTRIC BICYCLES ON BICYCLE AND PEDESTRIAN PATHS
OWNED BY THE TOWN OF TIBURON, INCLUDING OLD RAIL TRAIL, AND TO
ESTABLISH A MAXIMUM SPEED LIMIT ON OLD RAIL TRAIL**

The Town Council of the Town of Tiburon does ordain as follows:

SECTION 1. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE.

A. Title VI, Chapter 23, Section 23-24 is amended to read as follows:

23-24 Vehicles and horses prohibited on bicycle/pedestrian paths.

(a) No person shall operate or drive any motorized vehicle upon any portion of any bicycle or pedestrian paths owned by the Town of Tiburon. This prohibition shall not apply to:

- (1) The Town of Tiburon's official vehicles, or to emergency vehicles, operated by public employees;
- (2) Vehicles operated by any public utility company engaged in emergency repairs, or any vehicle operated under the terms of a valid encroachment permit issued by the Town of Tiburon;
- (3) Any "class 1 electric bicycle" or "low-speed pedal-assisted electric bicycle," as defined in California Vehicle Code section 312.5;
- (4) Any "class 2 electric bicycle" or "low-speed throttle-assisted electric bicycle," as defined in California Vehicle Code section 312.5.

(b) No person shall permit or allow any horse to enter any paved portion, exclusive of identified crossing points, of any bicycle or pedestrian path owned by the Town of Tiburon.

EXHIBIT NO. 1

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B. Title VI, Chapter 23, Section 23-25 is amended to read as follows:

23-25 Use of vehicles on Old Rail Trail.

(a) Permitted vehicles and devices. The following uses shall be permitted only on the asphalt concrete portion of that certain multi-use path owned by the Town of Tiburon, commonly known as Old Rail Trail, and formerly the Northwestern Pacific Railroad Company right-of-way, more particularly described in those certain deeds conveying the property to the Town of Tiburon, recorded in Book 2426, Page 99, and Book 2429, Page 428, of the Official Records of Marin County:

- (1) Roller skates or roller blades;
- (2) Skateboards;
- (3) Pedal-powered, non-motorized bicycles or tricycles that do not exceed thirty-six inches in width and are not used for commercial purposes;
- (4) “Class 1 electric bicycles” or “low-speed pedal-assisted electric bicycles” and “class 2 electric bicycles” or “low-speed throttle-assisted electric bicycles,” as defined in California Vehicle Code section 312.5; provided that such bicycles do not exceed thirty-six inches in width and are not used for commercial purposes.
- (5) Baby carriages and strollers;
- (6) Conveyances for disabled persons;
- (7) Emergency vehicles;
- (8) Department of public works vehicles.
- (9) Vehicles operated by any public utility company engaged in emergency repairs, or any vehicle operated under the terms of an encroachment permit issued by the Town of Tiburon.

(b) Vehicles required to yield the right-of-way to pedestrians. Under all circumstances the rider or operator of wheeled vehicles or devices which are permitted uses on Old Rail Trail under subsection (a) of this section, shall yield the right-of-way to pedestrians; due and proper care for the health and safety of pedestrians shall at all times be exercised by the rider or operator of such vehicles or devices.

(c) Group riding. No more than two persons shall ride or operate wheeled vehicles or devices side-by-side on Old Rail Trail.

(d) Racing—Unsafe riding. It is unlawful for any person riding or operating any wheeled vehicle or device to race any other such vehicle or device or person upon Old Rail Trail. It is also unlawful for any person riding or operating any wheeled vehicle or device to engage in any unsafe riding or operating which endangers the health or safety of any person, including the operator or such vehicle.

80 (e) Dangerous speed. It is unlawful for any person to ride or operate any wheeled
81 vehicle or device on Old Rail Trail at a speed greater than fifteen (15) miles per hour,
82 or if pedestrians are present no greater than eight (8) miles per hour, or to endanger the
83 health, safety or property of any other person while riding or operating any wheeled
84 vehicle or device on Old Rail Trail, or to ride or operate such vehicle or device on Old
85 Rail Trail in a reckless, wanton or careless manner so as to endanger the health or
86 safety of any person, including such rider or operator.
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88 (f) Applicability of traffic regulations. Every person who rides or operates any wheeled
89 vehicle or device permitted on Old Rail Trail shall have all the rights and shall be
90 subject to all of the duties applicable to the driver of a vehicle under this chapter except
91 those provisions which by their very nature can have no application to such persons.

92 **SECTION 2. SEVERABILITY.**
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94 If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to
95 be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision
96 shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the
97 Town of Tiburon hereby declares that it would have passed this Ordinance, any section,
98 subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more
99 sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.
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101 **SECTION 3. PUBLICATION AND EFFECTIVE DATE.**
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103 This Ordinance shall take effect and be in force thirty (30) days after the date of passage, and
104 before the expiration of fifteen (15) days after passage by the Town Council, a copy of the
105 ordinance shall be published with the names of the members voting for and against it at least
106 once in a newspaper of general circulation published in the Town of Tiburon.
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108 This ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon
109 on November 2, 2016, and was adopted at a regular meeting of the Town Council of the Town of
110 Tiburon on _____, 2016, by the following vote:
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112 AYES: COUNCILMEMBERS:

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114 NAYS: COUNCILMEMBERS:

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116 ABSENT: COUNCILMEMBERS:
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120 _____
121 ERIN TOLLINI, MAYOR
122 TOWN OF TIBURON

123 ATTEST:
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DIANE CRANE IACOPI, TOWN CLERK