City Council Meeting: May 28, 2024   Santa Monica, California

ORDINANCE NUMBER 2780 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA ADDING MUNICIPAL CODE SECTION 3.75 TO PROHIBIT HARASSMENT OF BICYCLISTS AND PEDESTRIANS

WHEREAS, the City of Santa Monica wants to encourage people to ride bicycles and walk to reduce traffic congestion and improve air quality and public health; and

WHEREAS, harassment of bicyclists and pedestrians on the basis of their status as bicyclists and pedestrians exists in the City of Santa Monica; and

WHEREAS, existing criminal and civil laws do not effectively prevent the unlawful harassment of bicyclists and pedestrians because of their status as bicyclists and pedestrians; and

WHEREAS, the actions of persons who deliberately harass and endanger bicyclists and pedestrians because of their status as bicyclists and pedestrians poses hazards to bicyclists and pedestrians and other users of the public right-of-way; and

WHEREAS, because people have a right to ride a bicycle and walk in the City of Santa Monica and should be able to do so safely on City streets and public sidewalks, it is against the public policy of the City of Santa Monica to harass a bicyclist or pedestrian upon the basis of the person's status as a bicyclist or pedestrian.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 3.75 of the Santa Monica Municipal Code is hereby added as follows:

§ 3.75 Prohibition of Harassment of Bicyclists and Pedestrians.

§ 3.75.1 Definitions. The following words and phrases, whenever used in this Section, shall be construed as defined in this Section:

Bicycle. A device upon which any person may ride, propelled exclusively by human power or a combination of human power and electric power through a belt, chain, or gears, and having one or more wheels.

Bicyclist. A person riding a bicycle.

Pedestrian. As defined in California Vehicle Code Section 467.

§ 3.75.2 Prohibited Activities. A person shall not do or attempt to do any of the following:

(a)   Physically assault or attempt to physically assault a Bicyclist or Pedestrian because of, in whole or in part, the Bicyclist's or Pedestrian's status as a Bicyclist or Pedestrian.

(b)   Threaten to physically injure a Bicyclist or Pedestrian because of, in whole or in part, the Bicyclist or Pedestrian's status as a Bicyclist or Pedestrian.

(c)   Intentionally injure, attempt to injure, or threaten to physically injure, either by words, vehicle, or other object, a Bicyclist or Pedestrian because of, in whole or in part, the Bicyclist or Pedestrian's status as a Bicyclist or Pedestrian.

(d)   Intentionally distract or attempt to distract a Bicyclist or Pedestrian because of, in whole or in part, the Bicyclist or Pedestrian's status as a Bicyclist or Pedestrian.

(e)   Intentionally force or attempt to force a Bicyclist or Pedestrian off a

street, bicycle lane, path, or public sidewalk for purposes unrelated to public safety.

§ 3.75.3 Remedies.

(a)   Any aggrieved person may enforce the provisions of this Section by means of a civil lawsuit.

(b)   Any person who violates the provisions of this Section shall be liable for treble the actual damages with regard to each and every such violation, or $1,000, whichever is greater, and shall be liable for reasonable attorneys' fees and costs of litigation. In addition, a jury or a court may award punitive damages where warranted.

(c)   Violations of any of the provisions of this Section shall not constitute a misdemeanor or infraction, except where such actions, independently of this Section, constitute a misdemeanor or infraction.

(d)   The remedies provided by the provisions of this Section are in addition to all other remedies provided by law, and nothing in this Section shall preclude any aggrieved person from pursuing any other remedy provided by law.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any

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 passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.
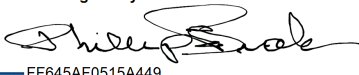
SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption.

APPROVED AS TO FORM:

DocuSigned by:

DOUGLAS SLOAN

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Douglas Sloan, City Attorney

Approved and adopted this 28th day of May, 2024.

DocuSigned by:

[signature]
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Phil Brock, Mayor

State of California   )
County of Los Angeles   ) ss.
City of Santa Monica   )

      I, Nikima S. Newsome, Interim City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2780 (CCS) had its introduction on May 14, 2024, and was adopted at the Santa Monica City Council meeting held on May 28, 2024, by the following vote:

AYES: Councilmembers Davis, de la Torre, Torosis, Davis, Parra, Zwick, Mayor Brock, Mayor Pro Tem Negrete

NOES: None

ABSENT: None

ATTEST:

DocuSigned by:

[signature]
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Nikima S. Newsome, Interim City Clerk

5/29/2024
Date

A summary of Ordinance No. 2780 (CCS) was duly published pursuant to California Government Code Section 40806.