

**Draft Ordinance No. 17-XXXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF CUPERTINO AMENDING TITLE 11 CHAPTER 11.08  
SECTIONS 11.08.160 AND 11.08.180 REGARDING  
RESTRICTIONS ON RIDING BICYCLES ON  
SIDEWALKS AND PEDESTRIAN PATHS**

**WHEREAS**, this Ordinance is determined to be not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") in that proposed Ordinance is not a project within the meaning of section 15378 of the California Environmental Quality Act ("CEQA") Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

**WHEREAS**, the City Council is the decision-making body for this Ordinance; and

**WHEREAS**, the City Council before taking action on this Ordinance has reviewed the not a project determination and exemption, and, using its independent judgment, determines the Ordinance to be not a project or exempt from CEQA as stated above;

**NOW, THEREFORE, THE CITY COUNCIL OF THE OF CITY OF CUPERTINO  
DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 11.08.160 of Chapter 11.08 of Title 11 of the Cupertino Municipal Code is hereby amended to read as follows:

**11.08.160 Riding On Pedestrian Facilities.**

No person shall ride, use or operate a bicycle on any sidewalk within the City except as specifically permitted in this chapter.

**SECTION 2:** Section 11.08.180 of Chapter 11.08 of Title 11 of the Cupertino Municipal Code is hereby amended to read as follows:

**11.08.180 Exemptions.**

The prohibition in Section 11.08.160 against riding, using, or operating a bicycle on a sidewalk shall not apply to:

- A. A child age twelve years and under; and
- B. An adult accompanying a child age twelve years and under who is also riding, using, or operating a bicycle.
- C. Any person riding, using or operating a bicycle on a pedestrian path, unless specifically posted as prohibited.

**SECTION 3:        Severability.**

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

**SECTION 4:        Effective Date.**

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

**SECTION 5:        Certification.**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

**SECTION 6:        Continuity.**

To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be

construed as continuations of those provisions and not as amendments of the earlier provisions.

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**INTRODUCED** at a regular meeting of the Cupertino City Council the \_\_\_\_ day of \_\_\_\_\_ 2017 and **ENACTED** at a regular meeting of the Cupertino City Council on this \_\_\_\_ of \_\_\_\_\_ 2017 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

ATTEST:

APPROVED:

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Grace Schmidt, City Clerk

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Savita Vaidhyanathan, Mayor,  
City of Cupertino