

STAFF REPORT*CITY OF OCEANSIDE*

DATE: March 13, 2024

TO: Honorable Mayor and City Councilmembers

FROM: Police Department

SUBJECT: **INTRODUCTION OF AN ORDINANCE TO THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 5 – BICYCLES TO INCLUDE THE OPERATION OF REGULATED MOBILITY DEVICES**

SYNOPSIS

Staff recommends that the City Council introduce an Ordinance to amend Chapter 5 of the Oceanside City Code to align the City Code with changes in laws, regulations, and best practices concerning the operation of regulated mobility devices (including e-bikes) within the City limits.

BACKGROUND

In recent years, Oceanside has witnessed an influx of electric bicycles ("e-bikes"), electric scooters, motorize skateboards, etc., traveling on City streets. Along with traffic violations, traffic collisions involving bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, motorized scooters, shared mobility devices, and other similar vehicles is a growing concern. The Police Department reported 188 traffic collisions involving bicycles and/or e-bikes from Jan. 1, 2020, through July 1, 2023. Of these 188 collisions, 67 involved e-bikes, while 121 involved traditional bicycles. In 61 percent of these collisions, the bike and/or e-bike operator was determined as the party at fault for that collision. On the average, 16 percent of all bicycle/e-bike collisions resulted in serious injury. Twenty-one percent involved juveniles and, in the majority of cases, 60 percent, the individual(s) on bicycles/e-bikes were not wearing helmets.

In response to bicycle and e-bike safety concerns, the Police Department has increased its enforcement and education efforts this past year. Among its education efforts, the Police Department has created an educational flyer that was distributed to the Oceanside Unified School District, which was then disseminated to the parents via their education portal. This flyer addressed proper safety guidelines when operating bicycles on the road. The Police Department has also created educational pages specific to the operation of e-bikes and rules of the road on its webpage. This information provides details on what qualifies as an e-bike, e-bike rider requirements, where e-bikes can be ridden, e-bike types, and the rules of the road. These web pages are located on the Oceanside Police Department website and are accessible to the public. In addition to the education flyers and documents, the Police Department has been actively engaging in outreach by

attending community events and providing bike safety education. The Police Department has designed and implemented a bike safety course free to the public which includes aspects specific to e-bikes.

ANALYSIS

California Vehicle Code Section 21282 allows cities to enact ordinances regulating the time, place, and manner of the operation of electric personal assistive mobility devices as defined in California Vehicle Code Section 313. Similarly, California Vehicle Code Section 21225 allows cities to enact ordinances 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.

The proposed ordinance would promote the safety of persons using bicycles, e-bikes, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, motorized scooters, shared mobility devices and other similar vehicles, defined in the ordinance as “regulated mobility devices.” Specifically, the Ordinance would require:

- Operators must comply with all traffic laws, maintaining a safe operational speed, not exceeding posted limits, slowing down in high pedestrian areas, and properly wear a helmet (17 years and under). Operators should exercise due regard for all traffic conditions, road conditions, weather conditions, the presence of pedestrians and other vehicles, and any other potential hazards.
- Operators must not endanger themselves, passengers, or others, keeping a safe distance from pedestrians, especially on city trails. Operators should exercise due regard for the safety and well-being of all persons and property in the vicinity.
- Transporting passengers on non-designated parts of the device or attaching it to moving objects is prohibited. Operators should exercise due regard for the intended use and design of the device.
- Operators must dismount on city trails less than 5 feet wide with pedestrians or equines within 50 feet. Operators should exercise due regard for the width of the trail and the presence of other users.

The ordinance would also represent reasonable measures and enforcement mechanisms that can be implemented to promote the safe and efficient use of sidewalks, bike paths, pathways, trails, bike lanes, streets, roads, and highways in the city.

San Diego, San Marcos, Carlsbad, Encinitas, Solana Beach, San Clemente, Santa Monica, Newport Beach, and Folsom are among the many cities in California that have

recently enacted ordinances regulating the safe operation of e-bikes and other mobility devices.

Staff believes that the proposed local ordinance would be an important tool to increase safety throughout the City. This ordinance would offer a locally controlled, education-based enforcement mechanism as an alternative to monetary court-issued fines. The Police Department believes this method would be a more effective deterrent with youth who are not always financially responsible for their California Vehicle Code violation fines.

This ordinance would authorize a peace officer or employee charged with enforcing the City's traffic laws and regulations to enforce the ordinance. In lieu of filing charges in court for a violation of the ordinance, which would likely result in the imposition of a fine in the amount of \$50, the Police Chief or designee may allow a violator of this chapter to complete a police department-provided Bicycle/E-bike Safety Educational Program for regulated mobility devices. The Police Department designed Bicycle/E-bike Safety Educational Program would be regularly offered to the participants free of charge. The ultimate goal is to educate bicycle, e-bike and other regulated mobility device operators on safety and road rules.

FISCAL IMPACT

None.

COMMISSION OR COMMITTEE REPORT

The Police and Fire Commission was informed of this matter at its regularly scheduled meeting on September 21, 2023.

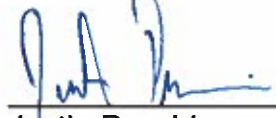
CITY ATTORNEY'S ANALYSIS

The City Attorney has reviewed the referenced documents and approved as to form. Additionally, the proposed amendments to Chapter 5 are consistent with California Vehicle Code and Civil Code definitions of regulated mobility devices. Furthermore, the amendments are designed to ensure compliance with the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.) by exempting mobility devices used by physically disabled persons from certain restrictions (Americans with Disabilities Act, 1990).

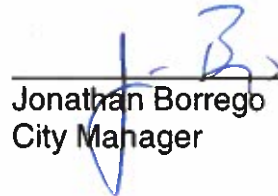
RECOMMENDATION

Staff recommends that the City Council introduce an Ordinance to amend Chapter 5 of the Oceanside City Code to align the City Code with changes in laws, regulations, and best practices concerning the operation of regulated mobility devices (e-bikes) within the City limits.

PREPARED BY:

 #1323
Justin Pecchia
Police Lieutenant

SUBMITTED BY:


Jonathan Borrego
City Manager

REVIEWED BY:

Kedrick Sadler, Chief of Police
Jill Moya, Financial Services Director




ATTACHMENTS:

1. Ordinance

LATE DISTRIBUTION OF MATERIALS

DATE: March 13, 2024

TO: Honorable Mayor and Councilmembers

FROM: Maddison Zafra, City Manager's Office

**SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF OCEANSIDE AMENDMING CHAPTER 5 – BICYCLES
TO INCLUDE THE OPERATION OF REGULATED MOBILITY
DEVICES**

Item #11 – Staff identified non-substantive formatting errors in the draft ordinance amending Chapter 5 of the Oceanside City Code related to mobility devices. Those formatting errors have been corrected in the attached clean and strikeout copies and placed on the agenda webpage.

ORDINANCE NO. 24-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OCEANSIDE AMENDING CHAPTER 5 OF THE
CITY CODE TO INCORPORATE CHANGES
REGARDING THE OPERATION OF MOBILITY
DEVICES**

The City Council of the City of Oceanside ("City Council") finds as follows:

WHEREAS, the safe and efficient operation of mobility devices within the City of Oceanside is of paramount importance to the City Council; and

WHEREAS, the City Council desires to amend Chapter 5 of the City Code to reflect changes in laws, regulations, and best practices; and

WHEREAS, the City Council, having received and reviewed the information regarding the amendments to Chapter 5, deems it to be in the best interest of the City to approve the changes as set forth herein; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE
DOES HEREBY AMEND CHAPTER 5 OF THE OCEANSIDE CITY CODE AS
FOLLOWS:**

SECTION 1: Chapter 5 of the City Code is hereby amended to incorporate changes related to the operation of mobility devices as follows:

Chapter 5 BICYCLES AND MOBILITY DEVICES***Sec. 5.1. Definitions.***

- (a) "Bicycle" for the purposes of this chapter means any device on which a person may ride, which is propelled by human power through a system of belts, chains or gears, and which has wheels at least twenty (20) inches in diameter and a frame size of at least fourteen (14) inches.
- (b) For the purpose of this chapter, "Mobility Devices" include: "Electric bicycle", "Electric personal assistive mobility device", "Electrically motorized boards", "Low-speed vehicle", "Motorized scooter", "Operator", "Public area", "Regulated mobility device", "Rider", "Shared mobility device", and "Vehicle" as defined in the respective sections of the California Vehicle Code and Civil Code, as they may be amended from time to time.

1 **Sec. 5.14. *Operation of mobility devices***

2 (a) No person shall operate a bicycle or mobility device upon the Municipal Pier or
3 Municipal Pier ramps, the Oceanside Pier Amphitheater, and the Junior Seau Beach
4 Community Center.

5 (b) Bicycles and mobility devices are prohibited from all stairways, walkways,
6 sidewalks, or any way or place contained within the Junior Seau Beach Community
7 Center plaza south to the north curblin of Betty's Lot (Lot 30) bounded on the
8 west by The Strand

9 (c) and (d) unchanged.

10
11 (e) The above provisions may be waived for a special event (as defined in O.C.C.
12 30A.1 (d)) by the special events committee upon written application to the special
13 events committee in accordance with the application procedures set forth in
14 Chapter 30A for a special event permit. Such written request shall be included in
15 the application for a special permit at the time such application is submitted.

16 (f) It is prohibited to operate or ride on a mobility device in public areas where such
17 prohibition is posted by signs or as otherwise set forth in Section 5.14 (b), (c), &
18 (d).

19 (g) No person shall operate a bicycle or mobility device upon any sidewalk fronting
20 any business establishment unless signs are posted authorizing such use. When
21 riding on a sidewalk, a person shall not operate a mobility device or bicycle in
22 excess of 10 miles per hour, must ride in the same direction as street traffic, must
23 yield to the right-of-way to any and all pedestrians, and must dismount within 50
24 feet of pedestrians on any sidewalk less than 5 feet wide.

25 (h) It is prohibited to operate a bicycle or mobility device in any public drainage
26 facility, culvert, ditch, channel, or any other public athletic/sports court, or
27 gymnasium in the city.

28 (i) Operators of mobility devices shall comply with the following requirements:

1. Operators must comply with all traffic laws, maintaining a safe operational
 speed, not exceeding posted limits, slowing down in high pedestrian areas,
 and properly wear a helmet (17 years and under). Operators should exercise
 due regard for all traffic conditions, road conditions, weather conditions, the
 presence of pedestrians and other vehicles, and any other potential hazards.
2. Operators must not endanger themselves, passengers, or others, keeping a
 safe distance from pedestrians, especially on city trails. Operators should

exercise due regard for the safety and well-being of all persons and property in the vicinity.

3. Transporting passengers on non-designated parts of the device or attaching it to moving objects is prohibited. Operators should exercise due regard for the intended use and design of the device.
4. Operators must dismount on city trails less than 5 feet wide with pedestrians or equines within 50 feet. Operators should exercise due regard for the width of the trail and the presence of other users.

For the purposes of this section, “due regard” is defined as the exercise of care that a reasonably prudent and competent person engaged in the same line of activity would exercise under similar circumstances.

Sec. 5.15. *Reserved.*

Sec. 5.16. *Exemptions.*

Public agency personnel. Notwithstanding any other provision of this chapter, or any other section of this code, city and public agency personnel may operate mobility devices or other vehicles at any place in the city in the performance of their official duties.

Disability. This chapter is not intended to apply to or otherwise restrict mobility devices used in a safe manner by physically disabled persons as defined under the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.).

Sec. 5.17. *Enforcement and Education Program.*

- (a) Authorization to Enforce: A peace officer or any employee tasked with enforcing the City’s traffic laws and regulations is authorized to enforce this chapter.
- (b) Alternative Penalty: In lieu of an infraction per Oceanside City Code section 1.12, the Chief of Police or their designee may allow violators to complete a Bicycle/E-bike Safety Educational Program focusing on mobility devices. The aim of the educational program is to inform operators of bicycles, e-bikes, and other mobility devices about safety and traffic laws applicable within the City of Oceanside.

SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15) days after its passage in a newspaper of general circulation published in the City of Oceanside.

SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30th) day

1 from and after its final passage.

2 **SECTION 4. Severability.**

3 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
4 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
5 shall not affect the validity of the remaining portions of this Ordinance. The City Council
6 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each
7 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section,
8 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

9 **SECTION 4:** With the exception of the provisions protected by the savings clause, all ordinances
10 (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed
11 or modified to the extent necessary to affect the provisions of this Ordinance.

12 **SECTION 5:** Savings clause. The changes provided for in this ordinance shall not affect any
13 offense or act committed or done or any penalty or forfeiture incurred, or any right established
14 or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit, or
15 proceeding pending or any judgment rendered prior to the effective date of this ordinance. All
16 fee schedules shall remain in force until superseded by the fee schedules adopted by the City
17 Council.

18 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
19 California, held on the 13th day of March 2024 and, thereafter,

20 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
21 Oceanside California, held on the ____ of _____, by the following vote:

22 AYES:

23 NAYS:

24 ABSENT:

25 ABSTAIN:

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27 _____
MAYOR OF THE CITY OF OCEANSIDE

28 ATTEST:

APPROVED AS TO FORM:

CITY CLERK


CITY ATTORNEY

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ORDINANCE NO. 24-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OCEANSIDE MENDING CHAPTER 5 OF THE
OCEANSIDE CITY CODE TO INCORPORATE
CHANGES REGARDING THE OPERATION OF
MOBILITY DEVICES**

The City Council of the City of Oceanside (“City Council”) finds as follows:

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14 events committee in accordance with the application procedures set forth in
15 Chapter 30A for a special event permit. Such written request shall be included in
16 the application for a special permit at the time such application is submitted.

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20 (g) No person shall operate a bicycle or mobility device upon any sidewalk fronting
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22 riding on a sidewalk, a person shall not operate a mobility device or bicycle in
23 excess of 10 miles per hour, must ride in the same direction as street traffic, must
24 yield to the right-of-way to any and all pedestrians, and must dismount within 50
25 feet of pedestrians on any sidewalk less than 5 feet wide.

26 (h) It is prohibited to operate a bicycle or mobility device in any public drainage
27 facility, culvert, ditch, channel, or any other public athletic/sports court, or
28 gymnasium in the city.

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7. safe distance from pedestrians, especially on city trails. Operators should

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Sec. 5.15. *Reserved.*

Sec. 5.16. *Exemptions.*

Public agency personnel. Notwithstanding any other provision of this chapter, or any other section of this code, city and public agency personnel may operate mobility devices or other vehicles at any place in the city in the performance of their official duties.

Disability. This chapter is not intended to apply to or otherwise restrict mobility devices used in a safe manner by physically disabled persons as defined under the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.).

Sec. 5.17. *Enforcement and Education Program.*

(a) Authorization to Enforce: A peace officer or any employee tasked with enforcing the City's traffic laws and regulations is authorized to enforce this chapter.

(b) Alternative Penalty: In lieu of an infraction per Oceanside City Code section 1.12, the Chief of Police or their designee may allow violators to complete a Bicycle/E-bike Safety Educational Program focusing on mobility devices. The aim of the educational program is to inform operators of bicycles, e-bikes, and other mobility devices about safety and traffic laws applicable within the City of Oceanside.

SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof, as a summary, pursuant to state statute, once within fifteen (15) days after its passage in a newspaper of general circulation published in the City of Oceanside.

SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30th) day

1 from and after its final passage.

2 SECTION 4. Severability.

3 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
4 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
5 shall not affect the validity of the remaining portions of this Ordinance. The City Council
6 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each
7 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section,
8 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

9 SECTION 4: With the exception of the provisions protected by the savings clause, all ordinances
10 (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed
11 or modified to the extent necessary to affect the provisions of this Ordinance.

12 SECTION 5: Savings clause. The changes provided for in this ordinance shall not affect any
13 offense or act committed or done or any penalty or forfeiture incurred, or any right established
14 or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit, or
15 proceeding pending or any judgment rendered prior to the effective date of this ordinance. All
16 fee schedules shall remain in force until superseded by the fee schedules adopted by the City
17 Council.

18 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
19 California, held on the 13th day of March 2024 and, thereafter,

20 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
21 Oceanside California, held on the ____ of _____, by the following vote:

22 AYES:

23 NAYS:

24 ABSENT:

25 ABSTAIN:

26
27 _____
MAYOR OF THE CITY OF OCEANSIDE

28 ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY

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