

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE CHAPTER 5.67 (SHARED MICRO-MOBILITY DEVICE PILOT PROGRAM) BY AMENDING SECTION 5.67.020 AND REPEALING SECTION 5.67.090 IN ITS ENTIRETY, AMENDING VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE CHAPTER 10.08 (VEHICLES AND TRAFFIC – DEFINITIONS) BY ADDING SECTIONS 10.08.101, 10.08.102, 10.08.103, 10.08.125, AND 10.08.126, AND ADDING CHAPTER 10.73 (ELECTRIC MICROMOBILITY VEHICLES) TO THE CHULA VISTA MUNICIPAL CODE TO CLARIFY EXISTING REQUIREMENTS AND ADD NEW REQUIREMENTS RELATED TO ELECTRIC MICROMOBILITY VEHICLES

WHEREAS, California Vehicle Code Sections 231, 21100, 21206, and 21207.5 allow cities to enact ordinances regulating the parking and operation of electric bicycles, as defined in California Vehicle Code Sections 231 and 312.5, on pedestrian facilities, bicycle facilities, and equestrian, hiking, and recreational trails; and

WHEREAS, 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, for the purpose of assuring the safety of pedestrians, including seniors, persons with disabilities, and others using sidewalks, bicycle paths, pathways, trails, bicycle lanes, streets, roads, and highways; and

WHEREAS, California Vehicle Code Section 21100 allows cities to enact ordinances regulating the operation of electrically motorized boards, as defined in California Vehicle Code Section 313.5, so long as such regulations do not duplicate or conflict with California Vehicle Code regulations of electrically motorized boards at California Vehicle Code Sections 21290 through 21296; and

WHEREAS, California Vehicle Code Section 21225 allows cities to enact ordinances to regulate the registration of motorized scooters, as defined in California Vehicle Code Section 407.5, and the parking and operation of motorized scooters on pedestrian or bicycle facilities and local city streets and highways, if that regulation is not in conflict with the California Vehicle Code; and

WHEREAS, California Vehicle Code Section 21266 allows cities to enact ordinances to restrict or prohibit the use of low-speed vehicles, as defined in California Vehicle Code Section 385.5, and may prohibit operation of low-speed vehicles in the roadway when acting as the primary traffic enforcement agency and the city deems the prohibition to be in the best interest of public safety; and

WHEREAS, the City Council of the City of Chula Vista (“City Council”) intends to promote the safety of persons using electric bicycles, electric personal assistive mobility devices, electrically motorized boards, motorized scooters, and other similar vehicles (defined herein as “Electric Micromobility Vehicles”) while maximizing recreational opportunities and fully exempting disabled persons operating electric mobility devices from the proposed regulations; and

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WHEREAS, the City Council has determined that the proposed regulations represent reasonable measures and enforcement mechanisms that can be implemented to promote the safe and efficient use of selected sidewalks, bicycle paths, pathways, trails, and bicycle lanes in the City; and

WHEREAS, the City Council made this determination after considering the probability and gravity of potential injuries to persons and property against the practicability and cost of implementing measures that would protect against the risk of such injuries; and

WHEREAS, California Vehicle Code Section 21214.7 authorizes local governments in San Diego County to adopt pilot program ordinances prohibiting children under 12 years of age from operating Class 1 or Class 2 electric bicycles, as defined in California Vehicle Code Section 312.5, subject to certain requirements; and

WHEREAS, the City Council has directed City staff to incorporate the requirements and provisions of California Vehicle Code Section 21214.7 into the new Electric Micromobility Vehicle amendments; and

WHEREAS, the Electric Micromobility Vehicle amendments are exempt from environmental review under the California Environmental Quality Act because they are regulatory and enforcement measures that will not result in any direct or indirect physical impacts on the environment, and which are further exempted from review under the California Environmental Quality per California Code of Regulations, title 14, section 15321, which exempts enforcement of laws, general rules, standards, and objectives administered or adopted by the agency from environmental review.

NOW THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

Section I. All of the above statements are true and incorporated herein.

Section II. Chula Vista Municipal Code Section 5.67.020, definition of “Scooter,” is hereby amended and shall read as follows:

5.67.020 Definitions.

“Motorized Scooter” shall have the meaning given to such term in Section 10.08.126 of this code.

[all other definitions in Section 5.67.020 remain unchanged]

Section III. Chula Vista Municipal Code Section 5.67.090 is repealed in its entirety.

Section IV. The following sections in Chula Vista Municipal Code Chapter 10.08 are hereby added and shall read as follows:

[Sections 10.08.010 through 10.08.100 remain unchanged]

10.08.101 Electric bicycle.

“Electric bicycle” shall have the same meaning given to such term in California Vehicle Code Section 312.5(a), and means a bicycle equipped with fully operable pedals and an electric motor that does not exceed 750 watts of power.

- A. A “Class 1 electric bicycle” or “low-speed pedal-assisted electric bicycle” shall have the meaning given to such term in California Vehicle Code Section 312.5(a)(1).
- B. A “Class 2 electric bicycle” or “low-speed throttle-assisted electric bicycle” shall have the meaning given to such term in California Vehicle Code Section 312.5(a)(2).
- C. A “Class 3 electric bicycle” or “speed pedal-assisted electric bicycle” shall have the meaning given to such term in California Vehicle Code Section 312.5(a)(3).

10.08.102 Electric micromobility vehicle.

“Electric micromobility vehicle” means a lightweight, low-speed electric vehicle that is designed for individual transportation and is propelled wholly or partially by an electric motor. “Electric micromobility vehicle” includes, but is not limited to, electric bicycles, motorized scooters, electrically motorized boards, low-speed vehicles, and other similar vehicles, to the extent the City is authorized to regulate these devices under state law. “Electric micromobility vehicle” does not mean motorized bicycles or mopeds as defined in California Vehicle Code Section 406, electric motorcycles as defined in California Vehicle Code Section 400, or motor vehicles subject to registration and motor vehicle insurance requirements. “Electric micromobility vehicle” does not include any mobility devices operated by any disabled persons for mobility or similar uses.

10.08.103 Electrically motorized board.

“Electrically motorized board” means a wheeled device with a floorboard designed to be stood upon when riding that is not greater than 60 inches deep and 18 inches wide, that is designed to transport only one person, and that has an electric propulsion system averaging less than 1,000 watts, the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is no more than 20 miles per hour, but which may also be powered by human propulsion, as further defined in California Vehicle Code Section 313.5.

[Subsections 10.08.110 through 10.08.120 remain unchanged]

10.08.125 Low-speed vehicle.

“Low-speed vehicle” means a motor vehicle that has four wheels, can attain speeds between 20 miles per hour and 25 miles per hour on a paved level surface, and that has a gross vehicle weight of less than 3,000 pounds, as further defined in California Vehicle Code Section 385.5(a). A “low-speed vehicle” does not mean a golf cart as defined in California Vehicle Code Section 345.

10.08.126 Motorized scooter.

“Motorized scooter” means any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard and is powered by an electric motor, as further defined in California Vehicle Code Section 407.5(a).

[Sections 10.08.130 through 10.08.220 remain unchanged]

Section V. Chapter 10.73, “Electric Micromobility Vehicles” is hereby added to the Chula Vista Municipal Code and shall read as follows:

10.73.010 Title.

This chapter is known as the “Electric Micromobility Vehicle Safety Ordinance,” may be cited as such, and will be referred to herein as “this chapter.”

10.73.020 Purpose and intent.

The purpose of this chapter is to establish rules governing the use of electric micromobility vehicles within the City. With such rules, the City desires to protect the health, safety, and welfare of riders of electric micromobility vehicles and the general public as authorized by the California Vehicle Code, including, but not limited to, California Vehicle Code Section 21214.7 (the San Diego Electric Bicycle Safety Pilot Program).

10.73.030 Exemptions.

The following persons are exempted from the provisions of this chapter:

- A. Disabled Persons. Disabled persons operating an electric micromobility vehicle or other similar motorized or nonmotorized mobility assistance device for mobility or similar purposes shall be fully exempt from the requirements and prohibitions in this chapter.
- B. Public Agency Personnel. Public agency personnel operating or riding an electric micromobility vehicle or other similar motorized or nonmotorized mobility device as part of and within the scope of their official duties are exempt from the requirements and prohibitions in this chapter.

10.73.040 Minimum ages to operate Class 1 or 2 electric bicycles.

- A. No person under 12 years of age may operate or ride a Class 1 or Class 2 electric bicycle within the City.
- B. No person shall knowingly permit a person under 12 years of age to operate a Class 1 or Class 2 electric bicycle within the City.

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- C. This section, 10.73.040, shall remain in effect until January 1, 2029, and as of that date is repealed unless otherwise extended by the City Council.

10.73.050 Restrictions for passengers on electric micromobility vehicles.

- A. No operator under 18 years of age may transport any passengers on any electric micromobility vehicle.
- B. All persons operating an electric bicycle or riding as a passenger on an electric bicycle shall ride on a permanent and regular seat attached to the electric bicycle, or on a separate seat attached thereto, as required to comply with the requirements of California Vehicle Code Section 21204.

10.73.060 Helmets required.

- A. No person under 18 years of age may operate any electric micromobility vehicle unless that person is wearing a properly fitted and fastened bicycle helmet, as required by California Vehicle Code Sections 21212, 21213, and 21235.
- B. All persons operating or riding a Class 3 electric bicycle must wear a properly fitted and fastened bicycle helmet in accordance with California Vehicle Code Section 21213.

10.73.070 Safe operation of electric micromobility vehicles.

- A. No person shall operate or use an electric micromobility vehicle at a speed greater than is reasonable and prudent under the conditions then existing.
- B. A person operating an electric micromobility vehicle upon a sidewalk shall exercise due care under the circumstances and conditions then existing.

10.73.080 Operating electric micromobility vehicles: prohibitions and restrictions.

Except as provided in section 10.73.030 of this chapter, the following prohibition and restrictions apply to using, riding, or operating electric micromobility vehicles within the City:

- A. No person shall use, ride, or operate any electric micromobility vehicle upon any sidewalk within any business district as described by this code, nor upon a sidewalk within the City containing signs posted by the City Engineer prohibiting such use, riding, or operation.
- B. No person shall use, ride, or operate a Class 3 electric bicycle upon any sidewalk within the City.
- C. No person shall use, ride, or operate a motorized scooter:
 - 1. Upon a sidewalk.

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2. Upon a roadway or highway or outside of a striped bicycle lane (Class II facility) or separated bikeway (Class IV facility), where the posted speed limit is 40 miles per hour or greater.
- D. In accordance with Section 21235(b) of the California Vehicle Code, the City hereby authorizes the use and operation of motorized scooters outside of a Class II or Class IV bikeway on a highway with a speed limit of up to 35 miles per hour.
- E. The 15 mile per hour maximum speed for the operation of a motorized scooter specified in California Vehicle Code Section 22411 applies to the operation of a motorized scooter on all highways, including bikeways, regardless of a higher speed limit applicable to such highway.
- F. A person operating an electric micromobility vehicle upon a sidewalk shall yield the right-of-way to persons not operating such vehicles.

10.73.090 Operating electric micromobility vehicles in City-owned parking structures.

No person shall operate an electric micromobility vehicle in a City-owned parking structure, except for the limited purpose of accessing parking or to travel through for the purpose of accessing a destination.

10.73.100 Operating electric micromobility vehicles in parks and other City facilities.

Use of electric micromobility vehicles in parks and other City facilities shall comply with CVMC Chapter 2.66.

10.73.110 Parking of electric micromobility vehicles.

- A. The City Engineer is hereby authorized to designate and establish electric micromobility vehicle parking spaces for use at such locations and during such times as he or she may deem suitable and necessary.
- B. When official signs or markings restricting parking to electric micromobility vehicles are in place, no person shall park or stand any vehicle other than an electric micromobility vehicle in such a space.
- C. Electric micromobility vehicles shall be parked upright. Electric micromobility vehicles not parked in designated parking spaces shall be parked in hardscaped areas and shall not be parked in areas that are landscaped with grass, shrubs, or other vegetation or in any other position so as to impede travel by pedestrians.
- D. It shall be unlawful to park an electric micromobility vehicle on sidewalks in the following areas:
 1. Within 10 feet of any curb ramp or driveway;
 2. Within 15 feet of any marked or unmarked crosswalk;

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3. Within 10 feet of a curb parallel to a bus stop, except in designated electric micromobility vehicle parking spaces;
4. Within 10 feet of a marked and signed loading zone as defined in CVMC section 10.08.120;
5. Within 10 feet of a marked and signed ADA-accessible parking space;
6. Within 5 feet of street furniture that requires pedestrian access, including, but not limited to, benches, parking pay stations, and bus shelters;
7. Within 5 feet of permitted outdoor dining areas;
8. Within a transit platform or transit waiting area except at designated bicycle parking spaces.

10.73.120 Violations – Penalties.

- A. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter or any regulation adopted hereunder.
- B. For the first 90 days after the effective date of this chapter, the punishment for a violation of this chapter shall be a warning notice.
- C. After the first 90 days after the effective date of this chapter, violations shall be punishable as follows:
 1. A violation of 10.73.040(a) shall be an infraction with a fine of \$25.
 - a. A record of the action shall not be transmitted to the court and a fee shall not be imposed upon a citation for this infraction if the parent or legal guardian of the person who violated the prohibition delivers proof to the issuing agency within 120 days after the citation was issued that the person has completed an electric bicycle safety and training program pursuant to Section 894 of the Streets and Highways Code.
 2. All other violations shall be punishable as an infraction with a fine of \$50 for the first conviction and \$100 for the second conviction. A maximum fine of up to \$250 may be imposed for each conviction thereafter.
- D. If an unemancipated minor violates this chapter, a parent or legal guardian with control or custody of the minor shall be jointly and severally liable with the minor for the amount of the fine imposed.
- E. Any person cited and convicted of three or more infractions of this chapter may be barred from the use of electric micromobility vehicles in City-owned parking structures, lots, parks, or other City facilities.
- F. The City shall have the authority to seize and confiscate any electric micromobility vehicle operated in violation of these provisions if the owner is not present or cannot be present in

a reasonable amount of time. The owner will be responsible for payment of any associated storage fees prior to release of such vehicle.

- G. The City shall have the authority to take and impound electric micromobility vehicles of persons found violating this chapter, and to hold the same for a period not to exceed 30 days.
1. In the event that a minor is found violating any provision of this chapter, the City shall have the authority to take and impound the electric micromobility vehicle of such minor. During the 30 day impound period, the City shall notify the parent(s) or guardian(s) or other person(s) having the custody and control of the minor of such offense, and secure, if possible, the cooperation and assistance of such parent(s) or guardian(s) or other person(s) having the custody and control of the minor, in preventing the recurrence of such offense by such minor.

10.73.130 Effective date.

This chapter shall take effect and be in force on September 4, 2025.

Section VI. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable, or unconstitutional.

Section VII. Construction.

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law, and this Ordinance shall be construed in light of that intent.

Section VIII. Effective Date.

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section IX. Publication.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

SECOND READING AND ADOPTION

Presented by:

Approved as to Form by:

Tiffany Allen
Assistant City Manager

Marco A. Verdugo
City Attorney