



AGENDA REPORT

Consent
10

Meeting Date
April 8, 2025

SUBJECT: ADOPTION OF ORDINANCE ADDING PROPOSED CHAPTER 10.16 TO THE LAGUNA BEACH MUNICIPAL CODE, REGULATING E-BIKES AND OTHER ELECTRIC TRANSPORTATION DEVICES IN THE CITY

RECOMMENDATION: It is recommended that the City Council adopt the Ordinance titled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADDING CHAPTER 10.16 (ELECTRIC BICYCLES AND OTHER ELECTRIC TRANSPORTATION CONVEYANCES) TO TITLE 10 (TRAFFIC) OF THE LAGUNA BEACH MUNICIPAL CODE TO ESTABLISH REGULATIONS ON THE OPERATION OF ELECTRIC BICYCLES AND OTHER ELECTRIC TRANSPORTATION CONVEYANCES IN THE CITY, AND FINDING THE ACTION IS NOT A PROJECT REQUIRING FURTHER ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT."

Appropriation: _____

Fund Name: _____

Submitted By: _____

Approved: _____

Jeff Calvert, Chief of Police

Dave Kiff, City Manager

SUMMARY OF THE MATTER

On March 25, 2025, the City Council approved the ordinance establishing regulations specific to the operation of e-bikes and other electric transportation devices.

The vote at the first reading of the proposed ordinance was:

AYES:	5 COUNCILMEMBERS:	Jones, Kempf, Whalen, Orgill, Rounaghi
NOES:	0 COUNCILMEMBERS:	None
ABSENT:	0 COUNCILMEMBERS:	None

The subject ordinance is being presented for its second reading and adoption. Unless otherwise directed by a member of the City Council, the vote at the second reading will reflect the same vote as the first reading. However, if a Councilmember is not present at the second reading, the vote will be reflected as absent.

FINANCIAL ANALYSIS

The recommended action has no financial impact.

ENVIRONMENTAL ANALYSIS

Not applicable.

ATTACHMENT

1. Ordinance (Pgs. 2-9)

Report Prepared By:

Coordinated With:

Ann Marie McKay, City Clerk

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADDING CHAPTER 10.16 (ELECTRIC BICYCLES AND OTHER ELECTRIC TRANSPORTATION CONVEYANCES) TO TITLE 10 (TRAFFIC) OF THE LAGUNA BEACH MUNICIPAL CODE TO ESTABLISH REGULATIONS ON THE OPERATION OF ELECTRIC BICYCLES AND OTHER ELECTRIC TRANSPORTATION CONVEYANCES IN THE CITY, AND FINDING THE ACTION IS NOT A PROJECT REQUIRING FURTHER ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the California Vehicle Code regulates the operation of bicycles and electric bicycles; and

WHEREAS, California Vehicle Code Section 231 defines a “bicycle,” as “a device upon which a person may ride, propelled exclusively by human power, except as provided in Section 312.5, through a belt, chain, or gears, and having one or more wheels”; and

WHEREAS, California Vehicle Code Section 312.5 defines an “electric bicycle,” as “a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts”; and

WHEREAS, California Vehicle Code Section 21100 permits local authorities to adopt rules and regulations by ordinance or resolution regarding the operation of bicycles on public sidewalks; and

WHEREAS, California Vehicle Code Section 21207.5 regulates the use of motorized vehicles on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trail, unless it is within or adjacent to a roadway or unless the local authority or the governing body of a public agency having jurisdiction over the path or trail permits, by ordinance, that operation; and

WHEREAS, California Vehicle Code Section 21207.5 also permits the local authority or governing body of a public agency having jurisdiction over an equestrian trail, or hiking or recreational trail, to prohibit, by ordinance, the operation of an electric bicycle or any class of electric bicycle on that trail; and

WHEREAS, the City of Laguna Beach (the “City”) has experienced a significant increase in the use of electric bicycles and other electric transportation devices, leading to concerns regarding public safety and the need for regulation, and

WHEREAS, under the Laguna Beach Municipal Code, bicycles may not be operated upon any sidewalk, the Main Beach Boardwalk, any area within a City park, or without a permit upon any portion of the beach within the limits of the City. Additionally, under the Laguna Beach Municipal Code, off-road bicycles are prohibited in the Recreation zone. However, there is now a need to establish regulations specific to the operation of electric bikes, or “e-bikes,” and other similar electric transportation devices within the City due to specific health and safety concerns associated with “e-bikes”; and

WHEREAS, the City Council now desires to adopt additional regulations on the operation of electric bikes, or “e-bikes,” and other electric transportation devices within the City, to promote the safe operation of e-bikes and electric transportation devices in the City; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have been met, including but not limited to that, in accordance with Government Code section 36934, the title of this Ordinance was included on the published agenda for the introduction and passage and a copy of the full Ordinance was made available to the public online and in print at the meeting prior to the introduction and passage.

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

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. Chapter 10.16 is hereby added to the Laguna Beach Municipal Code to read
in its entirety as follows:

Chapter 10.16: Electric Bicycles and Other Electric Transportation Devices

Section 10.16.010 – Definitions

For the purposes of this Chapter, the following terms shall have the meanings as defined
in this Section:

- a) “Bicycle” means and includes any device upon 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 inches in diameter and a frame size of at least fourteen inches.
- b) “Electric Bicycle” or “E-Bike” shall have the same meaning as set forth in California Vehicle Code Section 312.5, as amended from time to time.
- c) “Motorized bicycle” shall have the meaning as set forth in California Vehicle Code Section 406(a), as amended from time to time.
- d) “Other electric or motorized conveyance” shall mean any such similar one-, two-, or three-wheeled devices used for conveyance that is powered by electricity or other power source but may also be designed to be powered by human propulsion.

Section 10.16.020 – Operation and Use of Electric Bicycles

- a) Any person riding or operating any electric bicycle, motorized bicycle, or any other electric or motorized conveyance in the City must comply with the following provisions:
 - 1. Unsafe Operation Prohibited. No person shall ride or operate an electric bicycle, motorized bicycle, or any other electric or motorized conveyance recklessly or otherwise in an unsafe manner on any public roadway, highway, sidewalk, park, or private property open to the public. "Unsafe manner" shall mean operating in such a way as that violates any provision of state law or the City’s municipal code or in such a manner or at such a speed as to cause or threaten to cause injury to himself or herself or to others, to generate loud or unreasonable noise, to create an obstruction or to present a

hazard to the free use of public property by pedestrians or motorists, or to cause or threaten to cause damage to public property.

2. Direction of Travel. The operator of an electric bicycle, motorized bicycle, or any other electric or motorized conveyance shall travel in the same direction as vehicles are required to be driven upon the roadway, regardless of whether or not the operator is in the roadway or in a bike lane.
3. Yield to Pedestrians and Vehicles. The operator of an electric bicycle, motorized bicycle, or any other electric or motorized conveyance shall yield to vehicles and pedestrians as required by the California Vehicle Code.
4. Signs. The operator of an electric bicycle, motorized bicycle, or any other electric or motorized conveyance shall obey official posted signs, including but not limited to traffic control signs and parking signs.
5. Speed Limit. No operator of an electric bicycle, motorized bicycle, or any other electric or motorized conveyance shall travel over 25 miles per hour on any public highway, trail, path, park, or other public property within the City where electric bicycles, motorized bicycles, or any other electric or motorized conveyances are permitted to be driven.
6. Passenger Restrictions. No person riding or operating an electric bicycle, motorized bicycle, or any other electric or motorized conveyance shall transport another person upon an electric bicycle, motorized bicycle, or any other electric or motorized conveyance unless such passenger is seated upon a seat attached to the vehicle in a safe manner. No person shall be a passenger on an electric bicycle, motorized bicycle, or any other electric or motorized conveyance unless such passenger is seated upon a seat attached to the vehicle in a safe manner.
7. Helmet Requirement. All operators and passengers under 18 years of age shall wear a helmet properly strapped while riding or operating an electric bicycle, motorized bicycle, or any other electric or motorized conveyance, as specified in California Vehicle Code Section 21212.

Section 10.16.030 – Penalties:

Violations of this Chapter may be subject to any and all penalties, legal remedies, or actions permitted under this Code, including but not limited to the following:

- A. Violation of any provision of this Chapter may be punishable by administrative citation and fine, pursuant to the procedures outlined in Chapter 1.15 of this Code. In the event a minor is cited for violating this section, administrative citations may be issued to both, or either, the minor and the minor's parent or guardian. Administrative fines shall be issued pursuant to the fine schedule set out below:
1. An administrative fine not exceeding \$100 for the first violation.
 2. An administrative fine not exceeding \$200 for a second violation within one year of the first violation.
 3. An administrative fine not exceeding \$500 for each additional violation within one year of the first violation.
- B. Violation of any provision of this Chapter may be punishable as an infraction, pursuant to the procedures outlined in Section 1.04.025 of this Code.

Section 10.16.040 – Impound Procedures

- a) In the event an adult is cited for violating this section for a violation that endangers the safety of others, the City officer issuing the citation may impound the electric bicycle, motorized bicycle, or any other electric or motorized conveyance to the Laguna Beach Police Department. The impounded electric bicycle, motorized bicycle, or any other electric or motorized conveyance shall be released upon payment of the impound fee consistent with Laguna Beach Police Department impound fee schedule.
- b) In the event a minor is cited for violating this section for a violation that endangers the safety of others, the City officer issuing the citation may impound the electric bicycle, motorized bicycle, or any other electric or motorized conveyance to the Laguna Beach Police Department. The impounded electric bicycle, motorized bicycle, or any other electric or motorized conveyance shall be released to the minor's parent, guardian, or other responsible adult upon payment of the impound fee consistent with Laguna Beach Police Department impound fee schedule.
- c) An electric bicycle, motorized bicycle, or any other electric or motorized conveyance impounded to the Laguna Beach Police Department under this Chapter shall be considered abandoned if not collected pursuant to this Section after a period in excess of 90 days. Abandoned electric bicycles, motorized bicycles, or any other electric or motorized conveyances may be disposed of as restricted by Civil Code Sections 2080.1, 2080.2, 2080.3, 2080.4 and 2080.5.

Section 10.16.050 – Exemptions:

- a) Public Agency Personnel: Notwithstanding any other provision of this Chapter, or any other section of this code, City and public agency personnel may operate regulated mobility devices or other vehicles at any place in the City in the performance of their official duties.

- b) Mobility Devices. This Chapter is not intended to apply to or otherwise restrict regulated mobility devices used in a safe manner by physically disabled persons as defined under the Americans with Disabilities Act (42 U.S.C. Sections 12101 *et seq.*).

SECTION 3. The City Council finds that this Ordinance is not subject to CEQA ("Public Resources Code section 21000 *et seq.*) because it does not qualify as a "project" under CEQA. State CEQA Guidelines Section 15378 defines a project as an activity that "has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (State CEQA Guidelines, § 15378(a).) Section 15378 explicitly excludes from its definition of "project" "organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment." (State CEQA Guidelines, § 15378(b)(5).) Here, the Ordinance involves the implementation of e-bike safety regulations, which are administrative activities that organize and manage the use of e-bikes in the City, without creating any physical changes to the environment. Because the Ordinance constitutes an organizational or administrative activity that will not result in a physical change in the environment, it is therefore not subject to CEQA.

In the alternative, should the Ordinance be deemed a "project" subject to CEQA, it is exempt pursuant to State CEQA Guidelines section 15061(b)(3). Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, because the Ordinance is requiring safety regulations for e-bikes, which does not prevent or discourage safe e-bike use, it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment. Thus, this Ordinance is exempt from further environmental review.

SECTION 4. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it

can be given affect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 5. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further.

SECTION 6. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the date of its adoption by the City Council.

ADOPTED this 8th day of April, 2025.

Alex Rounaghi, Mayor

ATTESTED BY:

Ann Marie McKay, City Clerk

APPROVED AS TO FORM:

Megan Garibaldi, City Attorney

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. XXXX was introduced at a regular meeting of the City Council on March 25, 2025, and was finally adopted at a regular meeting of the City Council of said City held on April 8, 2025, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk, City of Laguna Beach, CA