ORDINANCE NO. 24-OR0080-1

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.

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

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

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

(c) and (d) unchanged.

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

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

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

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

(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 infracation 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 from and after its final passage.

SECTION 4. Severability.

If any section, 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 adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

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

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

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside California, held on the 27th day of March, by the following vote:

AYES: Sanchez, Keim, Joyce, Robinson, Weiss

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

/s/ Esther C. Sanchez
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

/s/ Zeb Navarro
CITY CLERK

APPROVED AS TO FORM:

/s/ John Mullen
CITY ATTORNEY