ORDINANCE No. 1020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR MUNICIPAL CODE CHAPTER 8.12 SAN DIEGUITO LAGOON AND RIVER, AND ADDING CHAPTER 14.54 BICYCLES, REGULATING BICYCLES, INCLUDING ELECTRIC BICYCLES, IN THE CITY OF DEL MAR

WHEREAS, the City of Del Mar (City) enacted Title 8 of the Del Mar Municipal Code (DMMC) to regulate beaches, waterways, and parks within the City; and

WHEREAS, the City enacted Title 14 of the DMMC to regulate traffic within the City; and

WHEREAS, violations of DMMC Title 8 and 14 provisions are generally punishable as infractions, unless otherwise expressly stated; and

WHEREAS, the City has seen an increase in the use of electric bicycles, also commonly referred to as “e-bikes”, within the City; and

WHEREAS, the City Council desires to adopt provisions regulating the use of bicycles within the City, including e-bikes, to continue protecting the public health, safety and welfare of the community and its residents and visitors, including by enhancing traffic and pedestrian safety; and

WHEREAS, the City Council further desires to allow first-time offenders who violate any such provisions with an opportunity to take an approved bicycle training safety course in lieu of receiving a citation.

NOW, THEREFORE, the City Council of the City of Del Mar, California, does hereby ordain as follows:

SECTION ONE:
The above recitals are true and correct and are incorporated by reference into this action.

SECTION TWO:
That Subsection (D) of Section 8.12.030 be amended in the Del Mar Municipal code as follows:

Chapter 8.12 – San Dieguito Lagoon and River

8.12.30 Prohibited Activities.

D. Bicycles and similar non-motorized vehicles shall be permitted only on trails and walkways designated and signed as permitting bicycle access, with the exception of the Coast to Crest Trail, which shall expressly permit bicycles, including class 1 and class 2 electric bicycles as defined by California Vehicle Code Section 312.5, as that Section may be amended from time to time.

SECTION THREE:
That a new Chapter 14.54 be added to the Del Mar Municipal Code as follows:

Chapter 14.54 – Bicycles

14.54.010 – Purpose. The purpose of this Chapter is to establish regulations regarding the use of Bicycles and Electric Bicycles on any public roadway, street, highway, parkway, right-of-way, alley, or other public property within the City of Del Mar.

14.54.020 – Definitions. For purposes of Chapter 14.54, the following definitions shall apply :

Bicycle shall have the same meaning as ascribed in California Vehicle Code Section 231, as that section may be amended from time to time. The term Bicycle as used herein shall include Electric Bicycles, as defined below.

Electric Bicycle (E-bike) shall have the same meaning as ascribed in California Vehicle Code Section 312.5, as that section may be amended from time to time.

Business District shall mean the Village Center District, as outlined in the Community Plan (General Plan), and any commercial zone in the City of Del Mar.

14.54.030 – Laws Applicable to Persons Operating and/or Riding Bicycles.

A. Any person operating or riding a Bicycle shall exercise reasonable care and safety, and shall observe all applicable laws, including, but not limited to, yielding to pedestrians and obeying the instructions of official traffic control signals, signs, and other devices applicable to vehicles.

B. Any person operating or riding a Bicycle upon a roadway shall be granted those rights and subject to those duties established by the laws of the State of California and by this Title, which are applicable to persons operating or riding in a vehicle, except for those provisions that, by their nature, can have no application.

C. It shall be unlawful for any person required by the California Vehicle Code to wear a helmet while operating or riding a Bicycle to wear the helmet in any way other than the fashion for which the helmet is designed to be worn, including, but not limited to, the use of straps and strap closure mechanisms.

D. It shall be unlawful for any person operating or riding a Bicycle to cling or attach themselves or the Bicycle to any other moving vehicle.

14.54.040 – Areas Where Riding Bicycles is Prohibited.

Within the City of Del Mar, it shall be unlawful for any person to ride a Bicycle in, on or upon:

A. Any sidewalk in a Business District.

B. Any sidewalk posted with signs prohibiting such riding.

C. Any street or sidewalk with a designated bicycle path or way, requiring such riding to be within the designated bicycle lane, unless an exception applies in accordance with Section 21208 of the California Vehicle Code, as that Section may be amended from time to time.

D. Any park or preserve (consistent with Section 8.04.090 of this Municipal Code).

E. Any trail or walkway within the confines of the San Dieguito Lagoon and River Valley, unless designated and signed as permitting Bicycle access, with the exception of the Coast to Crest Trail, which shall expressly permit Bicycles, including class 1 and class 2 Electric Bicycles as defined in California Vehicle Code Section 312.5, as that Section may be amended from time to time (consistent with Section 8.12.030 of this Municipal Code).

14.54.050 – Enforcement.

In lieu of the imposition of the penalties authorized by this Title and/or the filing of charges in a court of competent jurisdiction, the Sheriff or Chief of Police or designee may allow a first-time violator of this Chapter to complete an agency-approved bicycle training safety course, if and when such a program is available.

SECTION FOUR:
The City Council finds that approval of this Ordinance is exempt from the preparation of an environmental document pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378. This action does not constitute a “project” under the definition set forth in CEQA Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA. No further action under CEQA is required.

SECTION FIVE:
This Ordinance was introduced by the City Council on June 16, 2025.

SECTION SIX:
The City Clerk is direct to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION SEVEN:
If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION EIGHT:
Upon adoption, the Ordinance will take effect and be in force 30 days from the date that the City Council takes action to adopt the Ordinance.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a regular meeting held on the 7th day of July 2025.

_____
Terry Gaasterland, Mayor
City of Del Mar

APPROVED AS TO FORM:

_____
Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. 1020, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 7th day of July 202 5, by the following vote:

AYES: Mayor Gaasterland, Deputy Mayor Martinez, Councilmembers Quirk and Spelich
NOES: None
RECUSE: None
ABSENT: None
ABSTAIN: None

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Sarah Krietor, Administrative Services Manager/City Clerk
City of Del Mar