

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADDING FULLERTON MUNICIPAL CODE TITLE 8 (TRAFFIC) CHAPTER 8.90 (ELECTRIC BICYCLES AND OTHER ELECTRIC TRANSPORTATION CONVEYANCES) TO ESTABLISH REGULATIONS FOR OPERATION OF ELECTRIC BICYCLES AND OTHER ELECTRIC TRANSPORTATION CONVEYANCES IN THE CITY

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council of the City of Fullerton ("City Council") has authority to enact and enforce ordinances and regulations to safeguard the public peace, safety and welfare of the City of Fullerton (the "City") and its residents.

WHEREAS, the 2023-2024 Orange County Grand Jury report, titled *E-Bikes Friend or Foe* examined the complex challenges posed by the increasing use of E-Bikes. The report revealed a lack of uniform regulations across the 34 Orange County cities, which often leads to inconsistent enforcement and public confusion. The Grand Jury recommended cities across the county adopt specific policies that define the rules of the road for the use of E-Bikes in their communities.

WHEREAS, City Council recognizes that electric bicycles have increased in popularity with a 269% increase in sales between 2019 and 2022 with over a million electric bicycles sold every year.

WHEREAS, new models are emerging that do not fit into existing legal categories, creating legal ambiguities and complicating enforcement efforts.

WHEREAS, E-Bikes evolve beyond current definitions and enforcing regulations related to licensing, age and equipment has become challenging.

WHEREAS, the City desires to update the Municipal Code to address these issues.

WHEREAS, these changes would provide the Fullerton Police Department with the necessary tools to enforce safety regulations effectively, ensuring the wellbeing of residents and visitors.

WHEREAS, City Council desires to promote the safe operation of E-Bikes as well as the safety of persons using electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, motorized scooters, shared mobility devices and other similar vehicles (defined herein as "motorized wheeled conveyances"), while maximizing transportation and recreational opportunities.

WHEREAS, City Council determined the provisions of this Ordinance represent reasonable measures and enforcement mechanisms the City can implement to promote the safe and efficient use of sidewalks, bike paths, bike lanes, trails, streets, roads and

highways pursuant to the City police powers, based on compliance with other generally applicable laws, including state and federal law and the Fullerton Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON ORDAINS AS FOLLOWS:

SECTION 1. City Council adds Fullerton Municipal Code Chapter 8.90 to read in full as follows:

Chapter 8.90 MOTORIZED WHEELED CONVEYANCES

8.90.010 PURPOSE

This Chapter implements reasonable regulations on the operation and use of motorized wheeled conveyances pursuant to the City's police power to protect the public health, safety and welfare, to better promote the safe use and operation of motorized wheeled conveyances, to prevent vehicular and pedestrian conflicts and other traffic hazards and to enhance pedestrian and motorist safety.

8.90.020 DEFINITIONS

For purposes of this Chapter:

- A. "Electric Bicycle" or "E-Bike" shall have the same meaning as set forth in California Vehicle Code Section 312.5 (a), as it may be amended from time to time.
- B. "Motorized Board" shall have the same meaning set forth in California Vehicle Code Section 313.5, as it may be amended from time to time.
- C. "Motor Driven Cycle" shall have the same meaning set forth in California Vehicle Code Section 405, as it may be amended from time to time.
- D. "Motorized Scooter" shall have the same meaning set forth in California Vehicle Code Section 407.5(a), as it may be amended from time to time.
- E. "Moped or Motorized Bicycle" shall have the same meaning set forth in California Vehicle Code Section 406(a), as it may be amended from time to time.
- F. "Motorized Wheeled Conveyance" means any electric bicycle, motor-driven cycle, moped or motorized bicycle, motorized scooter, electric or

combustible motorized skateboard / scooter, electric personal assistive mobility device as defined in California Vehicle Code Section 313 (e.g., SegwaysTM), dirt bike, mini bike, mini motorbike, motor driven cycle, mini motorcycle, go-kart, go-ped, pocket bike, all-terrain vehicle, quad runner, dune buggy or any similar electric or combustible motorized wheeled conveyance.

G. "Pocket bike" shall have the same meaning set forth in California Vehicle Code Section 473(a).

8.90.030 UNLAWFUL OPERATION OF MOTORIZED WHEELED CONVEYANCE

A. It shall be unlawful and a violation of this Chapter for any person to operate a Motorized Wheeled Conveyance in an unsafe manner on any street, road, highway, sidewalk, bike path, bike lane, trail, park or upon any private property held open to the public for pedestrian travel. Operating a Motorized Wheeled Conveyance in an unsafe manner includes any one or more of the following:

1. Intentionally swerving around stopped or slowed traffic.
2. Operating a Motorized Wheeled Conveyance in a manner it was not designed for, including carrying passengers when not intended for carrying passengers.
3. Not obeying posted signs or signals.
4. Intentionally lifting one or more wheels of a Motorized Wheeled Conveyance into the air while riding on a highway, bike lane or bike path.
5. Attempting to perform any acrobatic trick or stunt.
6. Operating a Motorized Wheeled Conveyance any manner that endangers the operator, passengers, other motorists, other riders or pedestrians in the area.
7. Operating upon any public drainage facility, culvert, ditch or channel.
8. Failing to yield to pedestrians.
9. Operating at a speed greater than 10 miles per hour on a sidewalk.

10. Operating a Motorized Wheeled Conveyance while hitched to or physically attached to any other moving vehicle or motorized device.
11. Allowing others to cling to the device while riding.
12. Ignoring posted signs that regulate device operation.
13. Operating in any public park.
14. Operating at a speed greater than 10 miles per hour upon any unpaved hiking, equestrian or walking trail.
15. Operating at a speed greater than 15 miles per hour on any paved trail.
16. Operating a motorized wheeled conveyance while holding and operating a handheld wireless telephone or an electronic wireless communications device unless the wireless telephone or electronic wireless communications device is specifically designed and configured to allow voice-operated and hands-free operation and it is used in that manner while riding.

8.90.040 EXEMPTIONS.

This chapter shall not apply to a pedestrian, which includes a person who is operating a self-propelled wheelchair, motorized tricycle, or motorized quadricycle and, by reason of physical disability, is otherwise unable to move about as a pedestrian, as defined under California Vehicle Code Section 467(a).

8.90.050 PENALTIES.

A violation of this chapter shall be deemed an infraction pursuant to Chapter 1.08 of this municipal code.

SECTION 2. SEVERABILITY.

The City Council of the City of Fullerton declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared invalid for any reason, it is the intent of City Council that it would have adopted all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and

phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION 3. CERTIFICATION.

The City Clerk shall certify to this ordinance passage and publish in the manner required by law.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____.

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date