

ORDINANCE NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**ORDINANCE AMENDING CHAPTER 7.80 OF THE SAN MATEO COUNTY
ORDINANCE CODE TO ADD PROVISIONS RELATED TO “ELECTRIC
CONVEYANCE DEVICES”**

The Board of Supervisors of the County of San Mateo ordains as follows:

SECTION 1. Chapter 7.80 “Bicycles” of the San Mateo County Ordinance Code is amended in its entirety, as follows:

Chapter 7.80 – BICYCLES AND E-CONVEYANCES

7.80.000 – Findings

WHEREAS, the use of Electric Bicycles, as defined herein, and other electric mobility devices in unincorporated San Mateo County has proliferated; and

WHEREAS, the California Vehicle Code, as it may be amended from time to time, regulates the operation of Electric Bicycles and other electric mobility devices, and the Sheriff’s Office enforces those provisions, including through enforcement of the following provisions of State law:

- (a) Failing to obey all traffic laws, as required by California Vehicle Code Section 21200;
- (b) Riding on a public street or bikeway against the flow of traffic, in violation of California Vehicle Code Section 21650.1;
- (c) Not yielding to vehicles or pedestrians when required by law, including pursuant to California Vehicle Code Section 21952;
- (d) Not yielding the right-of-way to all vehicles, Bicycles, or E-Conveyances on the roadway or Bicycle Lane when entering the lane from a public or private property, or an alley, as required by California Vehicle Code Section 21800 *et seq.*;
- (e) Stopping, parking, or leaving an E-Conveyance in front of a public or private driveway, in violation of California Vehicle Code Section 22500(e);

- (f) Operating or riding on an E-Conveyance without a properly fitted and fastened helmet when the operator or rider is under the age of eighteen years old, as required by California Vehicle Code Section 21212;
- (g) Operating a Motorized Scooter without the valid driver's license or instruction permit required by California Vehicle Code Section 21235(d);
- (h) Operating an Electric Bicycle at a speed greater than is reasonable and prudent under conditions then existing, taking into account the weather, pedestrian and vehicular traffic, and the surface and width of the roadway, as required by California Vehicle Code Section 22350;
- (i) Operating an Electric Bicycle in an unsafe manner, including in violation of the "rules of the road" pursuant to California Vehicle Code Section 21200, in willful or wanton disregard for the safety of persons (including passengers) or property in violation of California Vehicle Code Section 23103, and by engaging in a speed contest or exhibition of speed in violation of California Vehicle Code Section 23109;
- (j) Carrying any package, bundle, or article that prevents the operator from keeping at least one hand upon the handlebars of an Electric Bicycle, Motorized Bicycle, or Motorized Scooter in violation of California Vehicle Code Sections 21205 and 21235;
- (k) Failing to ride as close as practicable to the right-hand curb or edge of the roadway, or in the bicycle lane where one is established, in violation of California Vehicle Code Sections 21202 and 21208, except under any of the following circumstances:
 - 1. When overtaking and passing another Bicycle, E-Conveyance, or vehicle proceeding in the same direction.
 - 2. When preparing for a left turn, when the movement can be made with reasonable safety and then only after giving an appropriate signal in the manner required by law.
 - 3. When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, E-Conveyances, Bicycles, pedestrians, animals, surface hazards, or narrow width lanes) that make it unsafe to continue along the right-hand curb or edge.
 - 4. When operating as close as practicable to the left-hand curb or edge of the roadway on a one-way street.
- (l) Operating an unregistered E-Conveyance on public property, on a public street, public right of way, public place, or place open to the public for vehicle or pedestrian travel in violation of California Vehicle Code Section 4000(a); and

WHEREAS, the California Vehicle Code regulates the equipment required for Electric Bicycles, Motorized Bicycles, Motorized Scooters, and Electric Skateboards, and the Sheriff's Office enforces those provisions, including requiring that:

- (a) All persons wear a safety helmet when operating or riding as a passenger on a Motorized Bicycle, as required by California Vehicle Code Section 27803(a), and, in addition, that all persons under the age of 18 years old wear a properly fitted and fastened helmet when operating or riding as a passenger on any E-Conveyance on a public street, public right of way, public place, or place open to the public for vehicle and pedestrian travel, as required by California Vehicle Code Sections 21212(a) and 21235(c);
- (b) All Electric Bicycles have the lights and reflectors required by California Vehicle Code Section 21201(d) and adequate brakes as required by California Vehicle Code Sections 21201(a);
- (c) All Motorized Bicycles have the equipment required by California Vehicle Code Section 24015(a), (b), including, without limitation, adequate brakes;
- (d) All Motorized Scooters have the lights and reflectors required by California Vehicle Code Sections 21223 and the equipment required by California Vehicle Code Section 21235, including without limitation, adequate brakes;
- (e) All Electric Skateboards have the lights and reflectors required by California Vehicle Code Section 21293; and

WHEREAS, various provisions of State law impose liability on parents for the actions of their children, including:

- (a) Causing or knowingly allowing their child to operate a motor vehicle without the required license pursuant to California Vehicle Code Section 14607;
- (b) Placing their child in a situation where their person or health is endangered pursuant to California Penal Code Section 273a; and
- (c) Willful misconduct of a minor that results in injury or death to another or injury to property is imputed to the parent for purposes of civil damages pursuant to California Civil Code Section 1714.1; and

WHEREAS, the San Mateo County Sheriff's Office enforces the requirements of the California Vehicle Code in the unincorporated area of the County and imposes the fines and penalties provided for therein; and

WHEREAS, the State has authorized local regulation in specified areas, including regulation of Electric Bicycles and Motorized Scooters on sidewalks and bicycle facilities and parking of such devices; and

WHEREAS, in light of the foregoing, the Board of Supervisors wishes to clarify its enforcement practices with respect to E-Conveyances and the Board of Supervisors hereby exercises its authority under Vehicle Code Sections 21100, 21206, and 21225 and its police powers to adopt the following local regulations.

7.80.010 – Definitions.

For the purposes of this Chapter, the following words and phrases are defined as follows:

- (a) “Bicycle” has the same meaning as set forth in California Vehicle Code Section 231, as it may be amended from time to time.
- (b) “Bicycle Lane” has the same meaning as set forth in California Streets and Highways Code Section 890.4, as it may be amended from time to time.
- (c) “Bicycle Path or Bicycle Trail” has the same meaning as set forth in California Vehicle Code Section 231.5, as it may be amended from time to time.
- (d) “E-Conveyance” means any Electric Bicycle, Electric Skateboard, Motorized Bicycle or Motorized Scooter.
- (e) “Electric Bicycle” has the same meaning as set forth in California Vehicle Code Section 312.5, as it may be amended from time to time.
- (f) “Electric Skateboard” means a device that has a floorboard that is designed to be stood upon when riding that is powered by an electric motor, defined in California Vehicle Code Section 313.5 as an “electrically motorized board,” and may include an electric unicycle.
- (g) “Motorized Bicycle” has the same meaning as set forth in California Vehicle Code Section 406, as it may be amended from time to time.
- (h) “Motorized Scooter” has the same meaning as set forth in California Vehicle Code Section 407.5, as it may be amended from time to time.
- (i) “Motor vehicle” has the same meaning as set forth in California Vehicle Code Section 415.
- (j) “Narrow Width Lane” means a lane that is too narrow for a Bicycle and a vehicle to travel safely, side by side, within the lane.
- (k) “Pedestrian” has the same meaning as set forth in California Vehicle Code Section 467, as it may be amended from time to time.
- (l) “Unregistered E-Conveyance” means an electrically-powered motor vehicle that, while on a public street, does not satisfy the requirements set forth in

California Vehicle Code Sections 312.5(a)–(d), 313.5, or 407.5, as they may be amended from time to time, and does not bear DMV registration and plates.

7.80.020 - Establishment of Bicycle Lanes.

The Director of Public Works, upon authorization from the Board of Supervisors, may designate on such streets or portions of streets the existence of Bicycle Lanes as may be necessary, and shall designate said Bicycle Lanes by appropriate signs and markings giving effect to Bicycle Lanes and otherwise regulating the location and use of vehicles and Bicycles with respect to them, including but not limited to restricting parking in any Bicycle Lane.

7.80.030 – Unsafe Operation.

No person shall ride an E-Conveyance or Unregistered E-Conveyance in an unsafe manner on a public street, public right of way, public place, or place open to the public for vehicle or pedestrian travel.

- (a) Riding in an unsafe manner means an operation in a manner that constitutes a danger to the operator, a passenger, other motorists, other riders, pedestrians, or property, under the existing circumstances.
- (b) Examples of riding in an unsafe manner include, but are not limited to, the following:
 1. Operating an E-Conveyance or Unregistered E-Conveyance in a manner it was not designed for, including the carrying of passengers when the E-Conveyance or Unregistered E-Conveyance is not designed for carrying passengers.
 2. Carrying any item or items while operating an E-Conveyance or Unregistered E-Conveyance which limits the operator from having full control or forward visibility or which otherwise interferes with the operation of the E-Conveyance or Unregistered E-Conveyance.
 3. Performing any maneuver with an E-Conveyance or Unregistered E-Conveyance that a reasonable person would recognize could pose a danger of serious bodily injury or death to the operator or others or of damage to property including but not limited to acrobatics or tricks, wheelies, or stunts as these words are generally understood, when the maneuver was not necessary to prevent injury or death during the prudent operation of the E-Conveyance.

7.80.040 – No E-Conveyances or Unregistered E-Conveyance on Sidewalks.

No person shall ride an E-Conveyance or Unregistered E-Conveyance on any sidewalk except that a person may ride an E-Conveyance to enter or exit a driveway for which permission to enter or exit, express or implied, has been granted.

7.80.050 – Parking.

No person shall leave or park an E-Conveyance or Unregistered E-Conveyance in a manner that obstructs the pedestrian travel way of any sidewalk or pedestrian path, or on public property in violation of any official sign prohibiting parking of Bicycles at a location.

7.80.060 – Enforcement.

- (a) Subject to the limitations of Vehicle Code Section 40000.1, any person who violates the provisions of Sections 7.80.030, 7.80.040, or 7.80.050 shall be subject to an infraction or administrative citation as described in subsection (b) below. First responders, as defined by California Government Code Section 8562, are exempt from this Chapter while in the performance of their duties.
- (b) Administrative Fines. A violation of Sections 7.80.030, 7.80.040, or 7.80.050 is also punishable by the following:
 - i. An administrative fine not exceeding \$100.00 for the first violation.
 - ii. An administrative fine not exceeding \$200.00 for a second violation within one year of the first violation.
 - iii. An administrative fine not exceeding \$500.00 for each additional violation within one year of the first violation.
- (c) Appeal. Administrative citations issued pursuant to this Chapter may be appealed according to the provisions of Sections 1.40.090 through 1.40.150 of this Code. In reviewing an appeal, the Hearing Officer shall take into consideration the person's ability to pay the fine. The citation must include notice of the right to appeal, including the right to request an ability-to-pay determination and shall make available information regarding how to file an appeal. If a person meets the criteria described in Government Code Section 68632(a) or (b), the County will accept, in full satisfaction, 20% of the administrative fine imposed pursuant to this Section.
- (d) Violations by Minors. Any minor cited for committing a violation under Section 7.80.030 may be required to participate in a Youth Diversion Program that will help facilitate education on E-Conveyance safety. If a minor is directed to the Youth Diversion Program and the minor fails to participate in or complete the Youth Diversion Program, the minor will then be issued an administrative fine pursuant to this Section 7.80.060, and the parents or legal guardian(s) of that

minor shall be jointly and severally liable for the administrative fine pursuant to this Chapter. Both the minor and the parents or legal guardian(s) of that minor have the right to appeal the citation pursuant to Section 7.80.060(c) prior to enrolling into the Youth Diversion Program or paying the administrative fine. With respect to minors whose activities are in violation of this Chapter and where such activities result in damage to public property, the County may, pursuant to California Civil Code Section 1714.1, pursue a civil complaint in tort for property damage caused by such activity against the minor's parent(s) or guardian having custody and control of the minor.

- (e) If a minor is cited or arrested for a violation of any section above, the officer may impound the E-Conveyance or Unregistered E-Conveyance to the San Mateo County Sheriff's Office such that the E-Conveyance or Unregistered E-Conveyance may only be released to a responsible adult. The fee for release shall be consistent with the Sheriff's Office fee schedule. E-Conveyances and Unregistered E-Conveyances which are impounded and retained by the Sheriff's Office shall be deemed abandoned if not claimed within 90 days and may be disposed of in accordance with applicable law.

7.80.070 – Tampering with Manufacturer Serial Number.

No person shall remove, destroy, mutilate or otherwise alter the serial number or other unique identifier permanently stamped, cast on, or affixed by the manufacturer to the frame of an E-Conveyance or Unregistered E-Conveyance.

7.80.080 – Applicability.

Nothing in this Chapter shall apply to Pedestrians as defined in Section 7.80.010.

SECTION 2. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases, or words of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective 30 days from the date of adoption.

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