ORDINANCE NO. .

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

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AYDEN'S ORDINANCE AMENDING CHAPTER 7.80 OF THE SAN MATEO COUNTY ORDINANCE CODE TO ADD PROVISIONS RELATED TO "ELECTRIC MICROMOBILITY 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-MICROMOBILITY DEVICES

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 violations of State law:

(a) Failing to obey all traffic laws, as required by California Vehicle Code Section 21200; and

(b) Riding on a public street or bikeway against the flow of traffic, in violation of California Vehicle Code Section 21650.1; and

(c) Not yielding to vehicles or pedestrians when required by law, including pursuant to California Vehicle Code Section 21952; and

(d) Not yielding the right-of-way to all vehicles, Bicycles, or E-Micromobility Devices 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*.; and

(e) Stopping, parking, or leaving an E-Micromobility Device in front of a public or private driveway, in violation of California Vehicle Code Section 22500(e); and

(f) Operating or riding on an E-Micromobility Device 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; and

(g) Operating a Motorized Scooter without the valid driver's license or instruction permit required by California Vehicle Code Section 21235(d); and

(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; and

(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; and

(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; and

(k) Operating a motor vehicle while holding or touching a cell phone in violation of California Vehicle Code Sections 23123 and 23123.5; and

(l) Operating a Bicycle or Electric Bicycle while wearing a headset covering, earplugs in, or earphones resting on, or inserted in, both ears in violation of California Vehicle Code Section 27400; and

(m) 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-Micromobility Device, 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; and

3. When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, E-Micromobility Device, Bicycles, pedestrians, animals, surface hazards, or narrow width lanes) that make it unsafe to continue along the right-hand curb or edge; and

4. When operating as close as practicable to the left-hand curb or edge of the roadway on a one-way street; and

(n) Operating a motor vehicle, including an electric motorcycle, motorcycle, motorized bicycle or moped, or off-highway motor vehicle, on public property, on a public street, public right of away, public place, or place open to the public for vehicle or pedestrian travel without the required driver's license or DMV registration in violation of California Vehicle Code Sections 4000(a) and 12500; 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-Micromobility Device on a public street, public right of away, 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); and

(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); and

(c) All Motorized Bicycles have the equipment required by California Vehicle Code Section 24015(a), (b), including, without limitation, adequate brakes; and

(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; and

(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; and

(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, this Board of Supervisors received testimony regarding this Ordinance from Mr. Ming Fang, father of Ayden Fang, who was tragically killed in an accident involving an e-bike and the Board declares that this Ordinance shall be known as "Ayden's Ordinance," in Ayden Fang's memory; and

WHEREAS, in light of the foregoing, the Board of Supervisors wishes to clarify its enforcement practices with respect to E-Micromobility Devices 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) “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. As described in Section 312.5(d), a vehicle that is intended by the manufacturer to be modifiable, or is modified, for excess speed (greater than 20 miles per hour on motor power alone) or power (greater than 750 watts), or is modified to remove operable pedals, is not an Electric Bicycle. Electric Bicycles are sometimes referred to as “e-bikes.”

(e) “E-Micromobility Device” means any Electric Bicycle, Electric Skateboard, Motorized Bicycle, or Motorized Scooter.

(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) “Illegal Motorcycle” means an electrically-powered motor vehicle resembling a bicycle, motorized bicycle, or motorcycle that, while on a public street, does not satisfy the requirements set forth in California Vehicle Code Sections 312.5(a)–(d) (i.e., does not qualify as an Electric Bicycle), does not satisfy the requirements set forth in California Vehicle Code Section 400, 405, or 406 (i.e., does not qualify as a motorcycle, motor-driven cycle, or Motorized Bicycle, typically because it lacks the required brakes and lighting), or qualifies as one of those vehicles but does not possess the DMV registration required by California Vehicle Code Section 4000, and therefore may not be operated on a public right of way. Electric Bicycles that qualify as either Class I, II, or III under California Vehicle Code Section 312.5 (a)-(d) are expressly not “Illegal Motorcycles” pursuant to this ordinance.

(h) “Motorized Bicycle” or “moped” has the same meaning as set forth in California Vehicle Code Section 406, as it may be amended from time to time.

(i) “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.

(j) “Motor vehicle” has the same meaning as set forth in California Vehicle Code Section 415.

(k) “Pedestrian” has the same meaning as set forth in California Vehicle Code Section 467, as it may be amended from time to time.

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 Illegal Motorcycle on a public street, public right of way, public place, or place open to the public for vehicle or pedestrian travel. Persons riding such vehicles in a public place are subject to the additional provisions in this ordinance.

No person shall ride an E-Micromobility Device or Illegal Motorcycle 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-Micromobility Device or Illegal Motorcycle in a manner it was not designed for, including the carrying of passengers when the E-Micromobility Device or Illegal Motorcycle is not designed for carrying passengers.

2. Carrying any item or items while operating an E-Micromobility Device or Illegal Motorcycle which limits the operator from having full control or forward visibility or which otherwise interferes with the operation of the E-Micromobility Device or Illegal Motorcycle.

3. Performing any maneuver with an E-Micromobility Device or Illegal Motorcycle 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-Micromobility Device or Illegal Motorcycle.

7.80.040 – E-Micromobility Devices on Sidewalks.

No person shall ride an Illegal Motorcycle on a public street, public right of way, public place, or place open to the public for vehicle or pedestrian travel, including but not limited to sidewalks. Where riding an E-Micromobility Device on the sidewalk is not otherwise prohibited, operators shall:

(a) Yield the right-of-way to pedestrians and exercise due care to avoid collisions.

(b) Provide a clear audible sign (e.g. bell, horn, verbal announcement) before overtaking and passing others.

(c) Travel at a speed not exceeding 5 miles per hour, reducing to walking speed or dismounting when overtaking others or when close enough to create a hazard.

7.80.050 – Parking.

No person shall leave or park an E-Micromobility Device or Illegal Motorcycle 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, 7.80.050, or 7.80.070 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, 7.80.050, or 7.80.070 is also punishable by the following:

i. An administrative fine not exceeding $50.00 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 and may reduce the fine due to financial hardship upon evidence sufficient to satisfy the Hearing Officer. 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) Traffic Safety Education. A minor cited for committing a violation under Sections 7.80.030, 7.80.040, 7.80.050, or 7.80.070 for the first time in the preceding 12 month period may be allowed to participate in a program that will help facilitate education on E-Micromobility Device and bicycle safety in lieu of paying the applicable fine. If a minor is directed to the traffic safety education option and fails to participate in or complete the education, the minor will then be issued the applicable fine, and the parents or legal guardian(s) of that minor shall be jointly and severally liable for the fine. 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 education option or paying the applicable fine.

(e) Violations by Minors. 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.

If a minor is cited or arrested for a violation of any section above, the officer may impound the E-Micromobility Device or Illegal Motorcycle to the San Mateo County Sheriff's Office such that the E-Micromobility Device or Illegal Motorcycle may only be released to a responsible adult. The fee for release

shall be consistent with the Sheriff's Office fee schedule. E-Micromobility Devices and Illegal Motorcycles that 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-Micromobility Device or Illegal Motorcycle.

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 take effect on January 1, 2027.

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