

## **ORDINANCE NO. 26-**

**AN ORDINANCE OF THE CITY OF OCEANSIDE,  
CALIFORNIA, 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

WHEREAS, the City Council finds that electric bicycles and similar micromobility devices are increasingly used on public streets, sidewalks, and trails within the City. Regulation is necessary to promote the safety of riders, pedestrians, and motorists; to protect public infrastructure; and to ensure consistency with state law under California Vehicle Code §§ 21200 – 21215.2 and 24016. This chapter is adopted pursuant to the City's police powers and California Vehicle Code § 21207.5, authorizing local regulation of bicycle and e-bike operation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE  
DOES HEREBY AMEND CHAPTER 5 TO 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

1           gears, and which has wheels at least twenty (20) inches in diameter and a frame  
2           size of at least fourteen (14) inches.

3           (b) For the purpose of this chapter, *mobility devices* include: "electric bicycle,"  
4           "electric personal assistive mobility device," "electrically motorized boards,"  
5           "low-speed vehicle," "motorized scooter," "operator," "public area," "regulated  
6           mobility device," "rider," "shared mobility device," and "vehicle" as defined in  
7           the respective sections of the California Vehicle Code and ~~Civil Code~~, as they  
8           may be amended from time to time. Specifically, "Electric bicycle" means a  
9           bicycle equipped with fully operable pedals and an electric motor of less than  
10           750 watts that meets the definition of a Class 1, 2, or 3 electric bicycle under  
11           California Vehicle Code § 312.5. "Motorized scooter" has the same meaning as  
12           in Vehicle Code § 407.5. "Shared mobility device" means any electric bicycle,  
13           scooter, or similar device made available for short-term public rental.  
14           "Micromobility device" means any small, low-speed device powered by  
15           electricity or human power that is designed to transport one person. (Ord. No.  
16           24-OR0080-1, § 1, 3-27-2024)

17           Ord. No. 24-OR0080-1, § 1, adopted March 27, 2024, repealed the former § 5.1 and enacted a  
18           new § 5.1 as set out herein. The former § 5.1 pertained to bicycle defined and derived from  
19           Ord. No. 75-6, § 1, adopted March 26, 1975

### 20           **Sec. 5.2. License—Optional.**

21           Bicycle licenses are not required in the City of Oceanside. They may be obtained by  
22           citizens to help them identify and track the ownership of their bicycles if lost or stolen. They  
23           may be obtained from an Oceanside Police Department Resource Center, an Oceanside retailer  
24           voluntarily participating in the issuance of bicycle licenses or from the Oceanside Fire  
25           Department at designated city fire stations.

26           (Ord. No. 75-6, § 1, 3-26-75; Ord. No. 98-34, § 1, 11-11-98; Ord. No. 99-10, § 1, 5-5-99)

### 27           **Sec. 5.3. License—Type; term.**

28           The licenses issued will be standard California bicycle license plates provided by the  
29           California Department of Motor Vehicles; and the first license will be effective from January 1,  
30           1975 to December 31, 1978 and will be renewable for three-year periods thereafter.

31           (Ord. No. 75-6, § 1, 3-26-75)

### 32           **Sec. 5.4. Same—Records; contents.**

33           During the period of validity of the license, or until notification that the bicycle no longer  
34           is to be operated, the license inspector shall keep a record of all license numbers issued  
35           pursuant to this chapter in the files of the license department, which shall contain the following  
36           information:

- (a) *Licensee.* The name, address and age of the person to whom such license is issued.
- (b) *Date of purchase.* The date of purchase of such bicycle by such licensee.
- (c) *Description of bicycle.* The make, type, model and serial number of such bicycle.

(Ord. No. 75-6, § 1, 3-26-75)

### **Sec. 5.5. Duties; retailer.**

Each bicycle retailer located in the City of Oceanside shall supply to each bicycle purchaser a record of the following information: Name of retailer, address of retailer, year and make of bicycle, and the serial number of the bicycle.

(Ord. No. 75-6, § 1, 3-26-75)

## Sec. 5.6. Change in ownership or address.

Whenever the owner of a bicycle licensed pursuant to this chapter sells or otherwise disposes of a bicycle, or changes his address, he shall within ten (10) days notify the license inspector of such event.

(Ord. No. 75-6, § 1, 3-26-75)

## Sec 5.7 Reserved

Editor's note(s): Ord. No. 99-10, § 2, adopted May 5, 1999, deleted § 5.7 in its entirety. Formerly, said section pertained to license, transferability. See the Code Comparative Table.

### Sec. 5.8. License—Fee.

At the time of licensing, each licensee shall pay to the license inspector or fire department personnel a fee, in accordance with the following schedule:

*Unexpired term of License Fee*

1 year or less \$1.00

Over 1 year but less than 22.00

Over 2 years but less than 33.00

Over 3 years 4.00

(Ord. No. 75-6 § 1 3-26-75)

1                   **Sec. 5.9. License—Expiration.**

2                   All licenses issued pursuant to this chapter shall expire on the thirty-first day of December  
3                   of the last year of the term of the license.

4                   (Ord. No. 75-6, § 1, 3-26-75)

5                   **Sec. 5.10. License—Renewal.**

6                   All licenses issued pursuant to this chapter are renewable during the two (2) months prior  
7                   to the expiration of the licenses.

8                   (Ord. No. 75-6, § 1, 3-26-75)

9                   **Sec. 5.11. Bicycle lanes—Driving upon.**

10                  Except for maintenance vehicles, no person shall operate or move a motor vehicle or other  
11                  motor-driven cycle upon a posted bicycle lane or facility except as may be necessary to enter or  
12                  leave adjacent property or parking facility.

13                  (Ord. No. 73-52, § 1, 9-26-73)

14                  **Sec. 5.12. No parking in designated bicycle lane.**

15                  No person shall park, stand, or stop any vehicle in any designated bicycle lane for one-way  
16                  bike travel identified by special signs, lane striping, and other pavement markings, except for  
17                  emergency purposes.

18                  (Ord. No. 73-52, § 1, 9-26-73; Ord. No. 08-OR0586-1, § 1, 10-1-08)

19                  **Sec. 5.13. No parking in designated bicycle lane—Signs and markings.**

20                  Established bicycle lanes and other facilities shall be maintained with adequate signs and  
21                  roadway markings advising both the cyclist and the motorist of such bike lane existence.  
22                  Installation of signs shall be in accordance with the manual on uniform traffic-control devices.

23                  (Ord. No. 73-52, § 1, 9-26-73)

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

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

28                  (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) "Pier Plaza" is defined as that area contained within the boundaries described as follows:
  - (1) Bounded on the south by Seagaze Dr.;
  - (2) Bounded in the north by the north side of the parking lot located at the northwest intersection of The Strand and the Oceanside Municipal Pier;
  - (3) Bounded on the east by the west side of Pacific Street;
  - (4) Bounded on the west by the Pacific Ocean.
- (d) The Pier Plaza includes, but is not limited to, any sidewalk, roadway, parking lot, or any way or place contained within the above-described boundaries, including, but not limited to, the Beach Stadium/Band Shell, the Beach Community Center, the Municipal Pier, and the Municipal Pier ramps.
- (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 (O.C.C. § 30A.6). 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), and (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 ten (10) miles per hour, must ride in the same direction as street traffic, must yield the right-of-way to any and all pedestrians, must dismount within fifty (50) feet of pedestrians on any sidewalk less than five (5) feet wide, and must wear a properly fitted and fastened bicycle helmet if under 18 years of age, as required by California Vehicle Code § 21212. Nothing in this section shall restrict the lawful use of wheelchairs or other assistive mobility devices by persons with disabilities as protected under federal or state law.**
- (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 (~~seventeen (17) years and under~~) (under 18 years of age, including passengers). 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. Violations of this subsection are subject to administrative penalties, including fines and, for repeated or serious violations, temporary impoundment of the bicycle or mobility device consistent with Section 5.18 and Vehicle Code § 21206.
- (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. Violations of this subsection are subject to administrative penalties, including fines and, for repeated or serious violations, temporary impoundment of the bicycle or mobility device consistent with Section 5.18.
- (3) **Transporting passengers on nondesignated 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 five (5) feet wide with pedestrians or equines within fifty (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.

(Ord. No. 24-OR0080-1, § 1, 3-27-2024)

(j) Nothing in this chapter shall be construed to regulate the operation of bicycles, electric bicycles, or mobility devices on state highways as defined in Section 24 of the California Streets and Highways Code, except as expressly authorized by state law. This chapter applies only to city streets, sidewalks, trails, and other public areas under the City's jurisdiction.

Ord. No. 24-OR0080-1, § 1, adopted March 27, 2024, repealed the former § 5.14 and enacted a new § 5.14 as set out herein. The former § 5.14 pertained to operation of mobility devices and derived from Ord. No. 73-52, § 1, adopted Sept. 26, 1973; and Ord. No. 87-39, § 2, adopted Oct. 14, 1987.

### 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 by physically disabled persons as defined under the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.). Nothing in this chapter shall apply to or restrict the lawful use of wheelchairs or other assistive mobility devices by persons with disabilities, as protected under the Americans with Disabilities Act (42 U.S.C. §12101 et seq.), the Rehabilitation Act (29 U.S.C. §794), or California Civil Code §54 et seq. (Ord. No. 24-OR0080-1, § 1, 3-27-2024)

### **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 infraction per Oceanside City Code section 1.124, 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.
- (c) Nothing in this section precludes the City from imposing administrative penalties pursuant to Chapter 1.14 (Administrative Citations).

(Ord. No. 24-OR0080-1, § 1, 3-27-2024)

### **Sec. 5.18. Seizure of Electric Bicycles**

- (a) In addition to any fines or penalties authorized by this Chapter, the Chief of Police or designee may seize any Class 1, 2, or 3 electric bicycle when the operator has been cited for: (1) reckless operation in violation of this Chapter or the California Vehicle Code; (2) failure to exercise due regard for the safety of persons or property; or (3) two or more criminal violations of this Chapter within a twelve (12) month period.
- (b) The seizing officer shall provide written notice to the operator or owner at the time of seizure, identifying the reason for seizure, the location where the bicycle is stored, and procedures for retrieval. The bicycle may be retained as evidence until final adjudication of the criminal citation or complaint, and shall thereafter be released to the lawful owner upon presentation of proof of ownership.

- (c) Nothing in this Section shall be construed to conflict with state law or to authorize impoundment in circumstances preempted by the California Vehicle Code. No seizure or impoundment shall occur in connection with the issuance of an administrative citation under Chapter 1.17. Administrative enforcement shall be limited to fines, education, or other non-custodial remedies.
- (d) For purposes of this section, “reckless operation” means operation of an electric bicycle in willful or wanton disregard for the safety of persons or property, including but not limited to: (1) excessive speed under the circumstances; (2) weaving through traffic in a manner that endangers others; (3) riding on sidewalks in violation of posted prohibitions while endangering pedestrians; (4) running stop signs or traffic signals in a manner that creates a hazard; or (5) other conduct that violates California Vehicle Code Section 23103 (reckless driving) as applied to bicycles under Section 21200. This definition is consistent with the standard applied to motor vehicles and provides fair notice of prohibited conduct.

### **Sec. 5.19. Prohibition on Unauthorized Passengers (“Double Riding”).**

- (a) No person operating a bicycle or electric bicycle shall carry another person unless the bicycle or electric bicycle is designed and equipped for passengers, including a separate seat securely attached to the bicycle or electric bicycle, as required by California Vehicle Code § 21204.
- (b) No person shall ride as a passenger on a bicycle or electric bicycle unless that bicycle or electric bicycle is designed and equipped for passengers as provided in subsection (a).
- (c) A violation of this section is subject to administrative penalties as provided in this Chapter. Violations may result in penalties, up to and including seizure of the bicycle or electric bicycle consistent with Section 5.18.

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 (30<sup>th</sup>) 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

1 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
2 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each  
3 section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
4 sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

5 **SECTION 5.** With the exception of the provisions protected by the savings clause, all  
6 ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are  
7 hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

8 **SECTION 6.** Savings clause. The changes provided for in this ordinance shall not affect  
9 any offense or act committed or done or any penalty or forfeiture incurred, or any right  
10 established or accruing before the effective date of this ordinance, nor shall it affect any  
11 prosecution, suit, or proceeding pending or any judgment rendered prior to the effective date of  
12 this ordinance. All fee schedules shall remain in force until superseded by the fee schedules  
13 adopted by the City Council.

14 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
15 California, held on the \_\_\_\_ day of \_\_\_\_\_, 2026 and, thereafter,

16 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
17 Oceanside California, held on the \_\_\_\_ of \_\_\_\_\_, by the following vote:

18 AYES:

19 NAYS:

20 ABSENT:

21 ABSTAIN:

22

23

24 ATTEST:

25

26 CITY CLERK

27

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:



CITY ATTORNEY

28