



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: JULY 11, 2023

TITLE: ORDINANCE AMENDING THE IRVINE MUNICIPAL CODE RELATING TO BICYCLES AND ESTABLISHING REGULATIONS ON ELECTRIC BICYCLES AND OTHER FORMS OF ELECTRIC TRANSPORTATION

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michael kent
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Director of Public Safety

Oliver Chi

City Manager

RECOMMENDED ACTION

Introduce for first reading and read by title only - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING PORTIONS OF DIVISION 7 OF TITLE 4 AND SECTION 3-4-138 OF THE IRVINE MUNICIPAL CODE RELATING TO BICYCLES

EXECUTIVE SUMMARY

The City of Irvine is a bike-friendly city that offers various biking options for its residents and visitors. The City has a well-developed network of bike lanes, trails, and paths that cater to all types of bikers, from casual riders to serious cyclists. With its well-developed network of biking pathways and its commitment to promoting biking as a sustainable mode of transportation, Irvine is a great place to explore on two wheels.

In recent years, electric bicycles, also known as “e-bikes”, have gained popularity as an efficient and eco-friendly mode of transportation. E-bikes are bicycles equipped with an electric motor that provides pedal assistance, making it easier to ride longer distances and climb hills. As technology continues to improve and prices become more affordable, it is likely e-bikes will continue to grow in popularity in the coming years.

Despite all of their benefits, there is evidence to suggest that e-bike accidents are becoming more common as e-bikes increase in popularity. According to a study published in the online journal *Injury Prevention*, e-bike riders have a higher risk of being involved in accidents than traditional bicycle riders.

In October 2022, Mayor Khan asked Public Safety to begin drafting a series of ordinance amendments to establish regulations on e-bikes. The City’s Municipal Code did not address e-bikes at the time; it did not define what they were, nor did it contain any regulations on their usage. Public Safety, in collaboration with Traffic Engineering, completed this task by March 2023 and presented the recommended ordinance amendments to the City’s Transportation Commission in May 2023.

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COMMISSION/BOARD/COMMITTEE RECOMMENDATION

At a regular meeting on May 16, 2023, the Transportation Commission approved the recommended actions by a vote 3-2 (Commissioners Abazajian and Kaddeche dissenting). Note: The Commission's vote in support was contingent upon Section 4-7-210, subsection (E), being amended to state the following (the *italicized* portion is the Commission's requested modification):

The operator of a bicycle, electric bicycle, electric scooter, or electric skateboard shall travel in the same direction as vehicles are required to be driven upon the roadway; regardless of whether or not the operator is in the roadway or in a bike lane. This section also applies to any sidewalk less than 8 feet in width, *unless there is no accompanying sidewalk on the opposite side of the street*, or wherever posted signs prohibit such behavior.

Public Safety and the City's Traffic Engineering Department are supportive of the Transportation Commission's above suggested verbiage modification.

ANALYSIS

Last year, there were 83 traffic collisions involving bicycles in Irvine. That total is a 172% increase when compared to 2021 and nearly a 200% increase compared to 2020. Thirty-four percent of the bicycle collisions in 2022 involved an e-bike as compared to only 10% in 2021. Fifty-nine percent of the bicycle collisions in 2022 involved a juvenile and 86% of all bicycle collisions in 2022 occurred less than 1000 yards from a school. Based upon this data, it is apparent that bicycle collisions are on the rise in Irvine, particularly amongst those riding e-bikes.

In an effort to lower the number of bicycle collisions in Irvine via education and enforcement efforts, Public Safety is proposing to amend the Municipal Code in order to coincide with the California Vehicle Code (CVC). These amendments are intended to discourage the dangerous bicycle riding behavior that has been identified as common primary collision factors (PCF) in many of the bicycle accidents in Irvine; the four most common PCFs in 2022's bicycle collisions were unsafe speed for the conditions, failure to yield the right of way, unsafe turning movements, and stop sign violations. In almost half (48.19%) of these collisions, the bicyclist was riding along the sidewalk or entered the roadway from the sidewalk while traveling in the opposite direction of adjacent vehicular traffic.

The suggested changes are summarized in the below section:

- Update the Municipal Code to include a definition of an e-bike and identify their individual classes
- Update the definition of a "highway" in order to coincide with the California Vehicle Code
- Preclude e-bike owners from tampering with or modifying their e-bike in order to change the speed capability of the bicycle

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- Set a speed limit for e-bikes on the highway (28 mph) and a separate speed limit for all bicyclists and e-bike operators on bike paths and trails in Irvine (20 mph)
- Require all bicycle and e-bike operators to yield the right-of-way to all pedestrians and vehicles when entering a highway from an alley, driveway, bicycle path, or sidewalk
- Mandate all bicyclists, e-bike, electric scooter, and electric skateboard operators to travel in the same direction as vehicles are required to be driven upon the roadway; regardless of whether or not the operator is on a highway or in a bike lane. This section would also apply to all sidewalks less than 8 feet in width or wherever posted signs prohibit traveling in the opposite direction as vehicular traffic
- Require all bicycle and e-bike passengers to have their own separate seat
- Remove all bicycle licensing requirements in order to align with California Assembly Bill (AB) 1909
- Disallow the operation of e-bikes in the Open Space Area (as defined in IMC 3-4-128)

Public Safety is supportive of banning all e-bikes and motorized bikes in the Open Space Area due to numerous safety and environmental concerns. While e-bikes provide riders with the enhanced ability to consistently ride at faster speeds and for longer distances than conventional bikes, e-bikes also result in an increased collision danger to hikers and the accelerated damage to biotic resources.

Secondly, e-bikes pose an inherent fire danger. In 2023 alone, there have been numerous instances in Orange County where e-bikes have caught fire due to their rechargeable lithium-ion battery rupturing. In January, the Huntington Beach Fire Department responded to a residential fire after an e-bike's battery exploded and caused a residential fire. In March, the Orange County Fire Authority (OCFA) responded to a fire inside a commercial building in Laguna Hills stemming from lithium-ion batteries rupturing. Additionally, OCFA responded to a hillside fire in Ladera Ranch earlier this month after an e-bike's rechargeable battery caught fire; e-bike battery fires can occur when their battery becomes damaged during a collision and/or the rider installs a non-factory issued lithium-ion battery. Per OCFA, lithium-ion battery fires cannot be easily extinguished due to the battery's highly combustible electrolyte fluid components.

Eliminating the usage of e-bikes and motorized bikes in the Open Space Area is a key component to ensuring the wildlife preserve remains a welcoming and vibrant part of our City for generations to come. Multiple jurisdictions in California have already outlawed e-bikes in their open space area(s). Some examples include the City of Palo Alto (Baylands Nature Preserve), the Midpeninsula Regional Open Space District (San Francisco Bay Area), and the California State Park system. Yosemite National Park and the Orange County Park System (i.e., OC Parks) have banned e-bikes on all of their unpaved trails.

Public Safety is not suggesting City Council pass an ordinance disallowing e-bikes on any paved bike path or bike trail in Irvine since outlawing their operation in these areas would conflict with the California Vehicle Code.

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ALTERNATIVES CONSIDERED

City Council may recommend only partially accepting or even fully disregarding Public Safety's suggested Municipal Code amendments. These alternatives are not recommended due to the increased use of e-bikes and the fact that the majority of bicycle traffic collisions in Irvine are attributed to excessive speed and/or a bicyclist traveling in the opposite direction of vehicular traffic on the highway or sidewalk.

FINANCIAL IMPACT

Public Safety's suggested Municipal Code amendments would not result in any significant financial cost to the City. Traffic Engineering may choose to install directional signs for cyclists in designated areas throughout the City if/when they determine they are needed.

REPORT PREPARED BY Matthew McLaughlin, Lieutenant

ATTACHMENTS

1. Proposed Redlines
2. City Council Ordinance No. 23-XX Bicycles

Sec. 3-4-138. – Vehicles.

Unless specifically authorized, no person shall drive or propel any automobile, truck, dune buggy, electric bike, motorcycle, motor scooter, ATV or any other motor powered vehicle within the open space area.

SECTION 3. Specified portions of Division 7, Bicycles, of Title 4, Public Safety, of the Irvine Municipal Code are hereby amended, with additions shown in double underlining and deletions shown in strikeout, to read as follows:

Sec. 4-7-102. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle: Any device upon which a person may ride which is propelled by human power through a system of belts, chains or gears, having one or more wheels. "Bike" shall mean the same as "bicycle."

Bicycle dealer: Any person who sells, gives away, buys or takes in trade for the purpose of resale, more than five bicycles in any one calendar year, whether or not such bicycles are owned by such person or entity. The term also includes agents or employees of such person or entity.

Bicycle lane: That portion of the roadway which has been separated from any vehicular lanes by a solid white line or other marking on the pavement, or defined for bike riders by appropriate signs.

Bicycle path or bicycle trail: A path that provides a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorists minimized.

Bicycle plate: The license tag or decal designated by the State in accordance with California Vehicle Code § 39001 to be permanently affixed to the bicycle and which bears a unique number permanently assigned to that bicycle by the State.

Bicycle route ~~or bicycle trail~~: A suggested route of travel for bicycle riders. A "bicycle route" may offer no physical protection to the bike rider and is normally defined for the bicycle rider only by a sign indicating "bike route," which defines a suggested route element of a bicycle system and provides a certain awareness for the motorist that bicycle riders are sharing the roadway.

Electric Bicycle: An electric bicycle, or “e-bike”, is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, and is categorized by the following:

Class 1 electric bicycle is equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

Class 2 electric bicycle is equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

Class 3 electric bicycle is equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour. This bicycle is equipped with a speedometer.

A person riding an electric bicycle is subject to the same provisions as a person riding a bicycle, as described in Article 4 of Chapter 1 of Division 11, commencing with Section 21200 of the California Vehicle Code. A rider must be 16 years of age or older to operate a Class 3 electric bicycle. A person under the age of 18 must wear a properly fitted and fastened bicycle helmet when riding an electric bike on a public roadway, bikeway, bicycle path, bicycle trail, or bicycle route regardless of E-bike class. All people operating or riding as a passenger upon a Class 3 electric bicycle shall comply with Section 21213 of the California Vehicle Code regarding the wearing of a properly fitted and fastened bicycle helmet.

Highway: A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

Motorized bicycle: Any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than ~~two~~ four gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. A driver license with an M-1 or M-2 endorsement, vehicle insurance, and a Department of Transportation (DOT) compliant helmet is required when operating a motorized bicycle. Motorized bicycles shall be operated in accordance with all applicable provisions of the California Vehicle Code and are not permitted on any bicycle path, trail, playground, park, school ground, or open space area (as defined by Irvine Municipal Code section 3-4-128) in the City. A motorized bicycle is also a device that has fully operative pedals for propulsion by human power and has an electric motor that meets all the following requirements: (1) has a power

~~output of not more than 1,000 watts, (2) is incapable of propelling the device at a speed of more than 20 miles per hour on ground level, and (3) is incapable of further increasing the speed of the device when human power is used to propel the motorized bicycle faster than 20 miles per hour.~~

Sec. 4-7-103. – Enforcement.

- A. *Responsibility of parent.* The parent of any child, and the guardian of any ward, shall not authorize or knowingly permit any minor child or ward to violate any of the provisions of this division.
- B. *Reports upon retail sale.* Each bicycle dealer shall supply to each purchaser a preregistration form provided by the licensing agency and shall include on the sales check or receipt given to the purchaser, a record of the following information:
1. Name and address of dealer;
 2. Year, make, type and model of bicycle;
 3. Serial number of the bicycle if delivered to the purchaser in an assembled state;
 4. General description of the bicycle;
 5. Name and address of purchaser.

A copy of the preregistration form shall be filled out and forwarded by the purchaser to the Director of Public Safety/Chief of Police or his or her duly authorized representative within 10 days from the date of sale.

- C. *Penalty for violations.* Every person violating any provisions of this division shall be deemed guilty of a misdemeanor unless specifically provided otherwise in this division. In no case shall the fine or violation of this division exceed an amount established by resolution of the City Council, which may be amended from time-to-time. In addition to any other penalty that may be assessed pursuant to this Code, the Director of Public Safety/Chief of Police, or any officers of the Police Department whose duty it is to enforce the provisions of this division, may impound and retain possession of any bicycle operated in violation of any of the provisions of this division and retain possession thereof until the provisions of this division have been complied with. Bicycles impounded and retained by the Police Department hereunder shall be considered abandoned after a period in excess of three months and shall be disposed of under the provisions of Penal Code §§ 1407-1411 and further restricted by Civil Code §§ 2080.1, 2080.2, 2080.3, 2080.4 and 2080.5.

D. An electric bike shall meet the following criteria:

1. Comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. 1512.1, et seq.).
2. Operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied, or operate in a manner such that the motor is engaged through a switch or mechanism that, when released or activated, will cause the electric motor to disengage or cease to function.
3. A person shall not tamper with or modify an electric bicycle so as to change the speed capability of the bicycle, unless he or she appropriately replaces the label indicating the classification.

Sec. 4-7-205. – Speed.

No person shall operate a bicycle or electric bicycle at a speed greater than is reasonable and prudent under the conditions then existing, and in no event at a speed which endangers the safety of persons or property. No electric bicycle operator shall travel over 28 miles per hour on a public highway.

Sec. 4-7-207. – Emerging from, entering alley, driveway, bicycle path, etc.

The operator of a bicycle or electric bicycle emerging from an alley, driveway, bicycle path, building or otherwise approaching upon a sidewalk or sidewalk area shall yield the right-of-way to all pedestrians on such sidewalk or sidewalk area, and upon entering a bicycle lane or roadway, shall yield the right-of-way to all vehicles or bicycles on the roadway.

Sec. 4-7-210. – Riding on sidewalks, playgrounds, etc.

- A. Riding of bicycles and electric bicycles on any sidewalk, bicycle path, bicycle trail, or roadway is permitted unless prohibited by appropriate signs authorized pursuant to the terms of this division.
- B. Whenever any person is riding a bicycle or electric bicycle upon a sidewalk, bicycle path, or bicycle trail, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing pedestrians.
- C. No person shall ride or operate a bicycle or electric bicycle upon any playground, park or school ground not designated as a bicycle path or

route, where children are playing, without first having secured the permission of the persons having supervision of the playground, park or school ground.

- D. No person shall operate a bicycle or electric bicycle on a bicycle path or bicycle trail at a speed greater than 20 miles per hour, and in no event at a speed greater than is reasonable or prudent under the conditions then existing, or at a speed which endangers the safety of persons or property.
- E. The operator of a bicycle, electric bicycle, electric scooter, or electric skateboard shall travel in the same direction as vehicles are required to be driven upon the roadway; regardless of whether or not the operator is in the roadway or in a bike lane. This section also applies to any sidewalk less than 8 feet in width, unless there is no accompanying sidewalk on the opposite side of the street, or wherever posted signs prohibit such behavior.
- F. A bicycle or electric bicycle operator shall not allow a person riding as a passenger, and a person shall not ride as a passenger, on a bicycle or electric bicycle upon a highway other than upon or astride a separate seat attached thereto. The section does not apply to any type of bicycle with an original factory seat designed to collectively accommodate the operator and passenger. If the passenger is four years of age or younger, or weighs 40 pounds or less, the seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle.

Sec. 4-7-213. – Motorized bicycles, operation Reserved.

- ~~A. Riding of motorized bicycles, as defined by California Vehicle Code § 406(b), on a bicycle path or trail is permitted unless prohibited by appropriate signs authorized pursuant to this division.~~
- ~~B. Whenever a person is riding a motorized bicycle on a bicycle trail or path, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking or passing pedestrians.~~
- ~~C. No person shall operate a motorized bicycle on a bicycle path or trail at a speed greater than 20 miles per hour, and in no event at a speed greater than is reasonable or prudent under the conditions then existing, or at a speed which endangers the safety of persons or property.~~
- ~~D. No person shall ride or operate a motorized bicycle on any playground, park, or school ground not designated as a bicycle path or route, where children are playing without first having secured the permission of the persons having supervision of the playground, park or school ground.~~

~~E. Motorized bicycles shall be operated in accordance with all other applicable provisions of the Vehicle Code.~~

Sec. 4-7-401. – Required Bicycle License.

~~No resident of the City shall operate a bicycle on any street, road, highway or other public property within the City unless such bicycle is licensed under the provisions of this chapter and bears a current bicycle plate attached thereto in accordance with this chapter. Nonresidents of the City are not bound by this section. Residents of the City are encouraged to register their bicycle with the City because it assists Public Safety in identifying the rightful owner of a bicycle if/when a bicycle is believed to be lost or stolen.~~

Sec. 4-7-409. – Renewal Reserved.

~~A. Bicycle licenses shall be renewed uniformly throughout the State at periods designated by the Department of Motor Vehicles in accordance with Vehicle Code § 39001.~~

~~B. Renewal of the bicycle license shall be indicated by a supplementary adhesive device affixed parallel to and above or below the license plate with expiration date plainly visible.~~

Sec. 4-7-411. – Transfer of Ownership.

~~Whenever any person sells, trades, disposes of, or transfers any bicycle licensed pursuant to the provisions of this chapter, he or she shall endorse upon the license receipt previously issued for such bicycle a written transfer of same, setting forth the name, address and telephone number of the transferee, the date of transfer, the signature of the transferor, and shall deliver the registration certificate so endorsed, to the Director of Public Safety/Chief of Police or his or her duly authorized representative within 10 days. The transferee shall, within 10 days after such transfer, apply to the Director of Public Safety/Chief of Police for a transfer of the license receipt. The fee to be charged for said transfer of ownership shall be as established by resolution of the City Council, which may be amended from time to time, but shall not exceed the amount established under Vehicle Code § 39004.~~

Sec. 4-7-414. – Rental agencies Reserved.

~~A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a bicycle plate is attached thereto, as provided by this chapter, and the bicycle is equipped with the equipment required by this division.~~

Sec. 4-7-416. - Motorized bicycles, licensing requirements Reserved.

~~The provisions of this chapter are applicable to motorized bicycles.~~

CITY COUNCIL ORDINANCE NO. 23-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING PORTIONS OF DIVISION 7 OF TITLE 4 AND SECTION 3-4-138 OF THE IRVINE MUNICIPAL CODE RELATING TO BICYCLES

WHEREAS, Division 7, Bicycles, of Title 4, Public Safety, of the Irvine Municipal Code contains a series of requirements, regulations, and penalties relating to use, licensing, registration and control of bicycles; and

WHEREAS, Division 7 of Title 4 has not been updated since 1977; and

WHEREAS, since 1977, there have been revisions to State law regarding bicycles, including the adoption of Assembly Bill 1909 in 2022; and

WHEREAS, since 1977, electric bicycles (also known as e-bicycles and e-bikes) have been invented and become publicly available; and

WHEREAS, in 2022, there were 83 traffic collisions involving bicycles in the City of Irvine, which is a 172% increase compared to 2021 and nearly a 200% increase compared to 2020; and

WHEREAS, 34% of the bicycle collisions in 2022 involved an e-bicycle as compared to only 10% in 2021; and

WHEREAS, 59% of the bicycle collisions in 2022 involved a juvenile; and

WHEREAS, based upon the above-listed data, it is apparent that bicycle collisions are on a rise in the City of Irvine, specifically amongst those riding e-bikes; and

WHEREAS, in an effort to educate the public and ideally, lower the number of bicycle collisions in the City of Irvine via enforcement efforts, the City Council desires to amend the Irvine Municipal Code in order to align with the California Vehicle Code ("CVC") and discourage dangerous bicycle riding behaviors that have been identified as common primary collision factors in many of the bicycle collisions in the City of Irvine.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. The above recitals are true and correct and incorporated here.

SECTION 2. Section 3-4-138, Vehicles, of Division 4, Parks, of Title 3, Community Services, of the Irvine Municipal Code is hereby amended to read as follows:

Sec. 3-4-138. – Vehicles.

Unless specifically authorized, no person shall drive or propel any automobile, truck, dune buggy, electric bike, motorcycle, motor scooter, ATV or any other motor powered vehicle within the open space area.

SECTION 3. Specified portions of Division 7, Bicycles, of Title 4, Public Safety, of the Irvine Municipal Code are hereby amended to read as follows:

Sec. 4-7-102. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle: Any device upon which a person may ride which is propelled by human power through a system of belts, chains or gears, having one or more wheels. “Bike” shall mean the same as “bicycle.”

Bicycle dealer: Any person who sells, gives away, buys or takes in trade for the purpose of resale, more than five bicycles in any one calendar year, whether or not such bicycles are owned by such person or entity. The term also includes agents or employees of such person or entity.

Bicycle lane: That portion of the roadway which has been separated from any vehicular lanes by a solid white line or other marking on the pavement, or defined for bike riders by appropriate signs.

Bicycle path or bicycle trail: A path that provides a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorists minimized.

Bicycle plate: The license tag or decal designated by the State in accordance with California Vehicle Code § 39001 to be permanently affixed to the bicycle and which bears a unique number permanently assigned to that bicycle by the State.

Bicycle route: A suggested route of travel for bicycle riders. A “bicycle route” may offer no physical protection to the bike rider and is normally defined for the bicycle rider only by a sign indicating “bike route,” which defines a suggested route element of a bicycle system and provides a certain awareness for the motorist that bicycle riders are sharing the roadway.

Electric Bicycle: An electric bicycle, or “e-bike”, is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, and is categorized by the following:

Class 1 electric bicycle is equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

Class 2 electric bicycle is equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

Class 3 electric bicycle is equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour. This bicycle is equipped with a speedometer.

A person riding an electric bicycle is subject to the same provisions as a person riding a bicycle, as described in Article 4 of Chapter 1 of Division 11, commencing with Section 21200 of the California Vehicle Code. A rider must be 16 years of age or older to operate a Class 3 electric bicycle. A person under the age of 18 must wear a properly fitted and fastened bicycle helmet when riding an electric bike on a public roadway, bikeway, bicycle path, bicycle trail, or bicycle route regardless of E-bike class. All people operating or riding as a passenger upon a Class 3 electric bicycle shall comply with Section 21213 of the California Vehicle Code regarding the wearing of a properly fitted and fastened bicycle helmet.

Highway: A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

Motorized bicycle: Any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than four gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. A driver license with an M-1 or M-2 endorsement, vehicle insurance, and a Department of Transportation (DOT) compliant helmet is required when operating a motorized bicycle. Motorized bicycles shall be operated in accordance with all applicable provisions of the California Vehicle Code and are not permitted on any bicycle path, trail, playground, park, school ground, or open space area (as defined by Irvine Municipal Code section 3-4-128) in the City.

Sec. 4-7-103. – Enforcement.

A. *Responsibility of parent.* The parent of any child, and the guardian of any ward, shall not authorize or knowingly permit any minor child or ward to violate any of the provisions of this division.

B. *Reports upon retail sale.* Each bicycle dealer shall supply to each purchaser a preregistration form provided by the licensing agency and shall include on the sales check or receipt given to the purchaser, a record of the following information:

1. Name and address of dealer;
2. Year, make, type and model of bicycle;
3. Serial number of the bicycle if delivered to the purchaser in an assembled state;
4. General description of the bicycle;
5. Name and address of purchaser.

A copy of the preregistration form shall be filled out and forwarded by the purchaser to the Director of Public Safety/Chief of Police or his or her duly authorized representative within 10 days from the date of sale.

C. *Penalty for violations.* Every person violating any provisions of this division shall be deemed guilty of a misdemeanor unless specifically provided otherwise in this division. In no case shall the fine or violation of this division exceed an amount established by resolution of the City Council, which may be amended from time-to-time. In addition to any other penalty that may be assessed pursuant to this Code, the Director of Public Safety/Chief of Police, or any officers of the Police Department whose duty it is to enforce the provisions of this division, may impound and retain possession of any bicycle operated in violation of any of the provisions of this division and retain possession thereof until the provisions of this division have been complied with. Bicycles impounded and retained by the Police Department hereunder shall be considered abandoned after a period in excess of three months and shall be disposed of under the provisions of Penal Code §§ 1407-1411 and further restricted by Civil Code §§ 2080.1, 2080.2, 2080.3, 2080.4 and 2080.5.

D. An electric bike shall meet the following criteria:

1. Comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. 1512.1, et seq.).
2. Operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied, or operate in a manner such that the motor is engaged through a switch or mechanism that, when

released or activated, will cause the electric motor to disengage or cease to function.

3. A person shall not tamper with or modify an electric bicycle so as to change the speed capability of the bicycle, unless he or she appropriately replaces the label indicating the classification.

Sec. 4-7-205. – Speed.

No person shall operate a bicycle or electric bicycle at a speed greater than is reasonable and prudent under the conditions then existing, and in no event at a speed which endangers the safety of persons or property. No electric bicycle operator shall travel over 28 miles per hour on a public highway.

Sec. 4-7-207. – Emerging from, entering alley, driveway, bicycle path, etc.

The operator of a bicycle or electric bicycle emerging from an alley, driveway, bicycle path, building or otherwise approaching upon a sidewalk or sidewalk area shall yield the right-of-way to all pedestrians on such sidewalk or sidewalk area, and upon entering a bicycle lane or roadway, shall yield the right-of-way to all vehicles or bicycles on the roadway.

Sec. 4-7-210. – Riding on sidewalks, playgrounds, etc.

- A. Riding of bicycles and electric bicycles on any sidewalk, bicycle path, bicycle trail, or roadway is permitted unless prohibited by appropriate signs authorized pursuant to the terms of this division.
- B. Whenever any person is riding a bicycle or electric bicycle upon a sidewalk, bicycle path, or bicycle trail, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing pedestrians.
- C. No person shall ride or operate a bicycle or electric bicycle upon any playground, park or school ground not designated as a bicycle path or route, where children are playing, without first having secured the permission of the persons having supervision of the playground, park or school ground.
- D. No person shall operate a bicycle or electric bicycle on a bicycle path or bicycle trail at a speed greater than 20 miles per hour, and in no event at a speed greater than is reasonable or prudent under the conditions then existing, or at a speed which endangers the safety of persons or property.

- E. The operator of a bicycle, electric bicycle, electric scooter, or electric skateboard shall travel in the same direction as vehicles are required to be driven upon the roadway; regardless of whether or not the operator is in the roadway or in a bike lane. This section also applies to any sidewalk less than 8 feet in width, unless there is no accompanying sidewalk on the opposite side of the street, or wherever posted signs prohibit such behavior.
- F. A bicycle or electric bicycle operator shall not allow a person riding as a passenger, and a person shall not ride as a passenger, on a bicycle or electric bicycle upon a highway other than upon or astride a separate seat attached thereto. The section does not apply to any type of bicycle with an original factory seat designed to collectively accommodate the operator and passenger. If the passenger is four years of age or younger, or weighs 40 pounds or less, the seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle.

Sec. 4-7-213. –Reserved.

Sec. 4-7-401. –Bicycle License.

Residents of the City are encouraged to register their bicycle with the City because it assists Public Safety in identifying the rightful owner of a bicycle if/when a bicycle is believed to be lost or stolen.

Sec. 4-7-409. –Reserved.

Sec. 4-7-411. – Transfer of Ownership.

Whenever any person sells, trades, disposes of, or transfers any bicycle licensed pursuant to the provisions of this chapter, he or she shall endorse upon the license receipt previously issued for such bicycle a written transfer of same, setting forth the name, address and telephone number of the transferee, the date of transfer, the signature of the transferor, and shall deliver the registration certificate so endorsed, to the Director of Public Safety/Chief of Police or his or her duly authorized representative within 10 days. The transferee shall, within 10 days after such transfer, apply to the Director of Public Safety/Chief of Police for a transfer of the license receipt.

Sec. 4-7-414. –Reserved.

Sec. 4-7-416. - Reserved.

SECTION 4. CEQA Determination. In adopting this Ordinance, the City Council finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Sections 15061(b)(3) and 15378, in that it can be seen with certainty that the Municipal Code amendments propose no activity that may have a significant effect on the environment and will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

SECTION 5. This Ordinance shall become effective thirty (30) days after adoption.

SECTION 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 7. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the ____ day of _____, 2023.

MAYOR OF THE CITY OF IRVINE

ATTEST:

CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on the ____ day of _____ 2023, and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the ____ day of _____, 2023.

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

CITY CLERK OF THE CITY OF IRVINE