



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 4/4/2023

ITEM NO: 5

DATE: March 30, 2023
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Introduce an Ordinance Repealing and Replacing Town Code Chapter 5, "Bicycles," with a new Chapter 5, "Bicycles and Regulated Mobility Devices," to Remove Obsolete Requirements and Add Regulations for E-Bikes and Regulated Mobility Devices and Amending Section 23.30.010, "Exceptions from Article" to Address Required Approval of Bicycle Racks in the Public Right of Way

RECOMMENDATION:

Introduce an Ordinance repealing and replacing Town Code Chapter 5, "Bicycles," with a new Chapter 5, "Bicycles and Regulated Mobility Devices," to remove obsolete requirements and add regulations for E-Bikes and similar vehicles and amending Section 23.10.010, "Exceptions from Article," to address required approval of bicycle racks in the public right of way.

BACKGROUND:

The Town's Bicycle Ordinance is codified in Chapter 5 of the Town Code and was last amended in 1968. Since that time, a number of the Ordinance's requirements have become obsolete. For instance, the Town no longer requires bicycle registration.

In response to the widespread use of e-bikes in Town, the Town's Youth Commission has worked with the Chief of Police, Officer Justin Milroy, and Community Outreach Coordinator Jackie Rose to review the bicycle Ordinance and propose revisions intended to:

- 1) Regulate the use of e-bikes in Town;
- 2) Remove obsolete provisions; and
- 3) Remove provisions that duplicate state law.

In addition, the Youth Commission has conducted outreach regarding the proposed revisions with the bicycle shops in Town.

Reviewed by: Town Manager and Chief of Police

DISCUSSION:

Vehicle Code Sections 21100(h) and 21206 authorize local agencies to regulate the use of bicycles within their jurisdictions.

The proposed ordinance would:

- 1) Define “regulated mobility devices” to include electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, motorized scooters, and similar vehicles.
- 2) Prohibit the use of bicycles and “regulated mobility devices” on sidewalks and pedestrian paths.
- 3) Provide that no more than two riders may ride abreast.
- 4) Prohibit trick riding.
- 5) Prohibit riding in parks, playgrounds, or school grounds where not permitted.
- 6) Provide where parking is allowed.
- 7) Impose penalties for violations in an amount less than that allowed by state law.
- 8) Provide for completion of a safety course as an alternative to citations.
- 9) Remove requirements that duplicate state law. These include a prohibition on hitching bicycles to cars.

In addition, staff noticed that the Town’s bicycle ordinance contained a section stating that bicycle racks may be located in public right of way if approved by the Town Engineer. Staff recommends that existing Town Code Section 23.30.010, which addresses encroachments in the public right of way, be amended to include bicycle racks in the list of encroachments that may be permitted by the Town.

A copy of the proposed bicycle and ordinance is attached as Attachment 1. A copy of the Town’s existing bicycle ordinance is attached as Attachment 2.

CONCLUSION:

If introduced by the Town Council, the ordinance would return for adoption at the Town Council’s April 18th meeting and would take effect 30 days after adoption.

COORDINATION:

This report was coordinated by the Police Department, the Town Attorney’s Office, and the Town Manager’s Office.

FISCAL IMPACT:

The Ordinance will not have a fiscal impact.

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SUBJECT: Ordinance Regulating Bicycles and Regulated Mobility Devices

DATE: March 30, 2023

ENVIRONMENTAL ASSESSMENT:

The Ordinance is not a project defined under the California Environmental Quality Act, and no further action is required.

Attachments:

1. Ordinance Proposed for Introduction
2. Existing Bicycle Ordinance