

## **DRAFT ORDINANCE**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REPEALING AND REPLACING CHAPTER 5, "BICYCLES," OF THE TOWN CODE WITH A NEW CHAPTER 5, "BICYCLES AND REGULATED MOBILITY DEVICES" AND AMENDING SECTION 23.30.010, "EXCEPTIONS FROM ARTICLE," OF TITLE 23, "STREETS AND SIDEWALKS," TO ADDRESS BICYCLE RACKS IN THE PUBLIC RIGHT OF WAY**

**WHEREAS**, the Town's bicycle ordinance is codified in Chapter 5 of the Town Code; and

**WHEREAS**, a number of the provisions such as the bicycle licensing requirement are outdated and should be removed; and

**WHEREAS**, the use of electric bicycles in Town has proliferated; and

**WHEREAS**, California Vehicle Code Sections 21100 and 21206 authorize the Town to regulate the use of bicycles, electric bicycles, and other regulated mobility devices; and

**WHEREAS**, the Town wishes to regulate the use of bicycles, electric bicycles and other regulated mobility devices; and

**WHEREAS**, Town Code Section 23.30.010 addresses encroachments in the public right of way; and

**WHEREAS**, the placement of bicycle and regulated mobility device racks should be removed from the portion of the Town Code addressing the use of bicycles and recodified in the portion of the Town Code addressing encroachments in the public right of way;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

**SECTION I.** Town Code Chapter 5, "Bicycles," is repealed and replaced to read as follows:

"Bicycles and Regulated Mobility Devices

Section 5.10.010 Definitions

"Bicycle" has the same meaning as in California Vehicle Code Section 231, as it may be amended from time to time.

"Electric bicycle" has the same meaning as in California Vehicle Code Section 312.5, as it may be amended from time to time.

ATTACHMENT 1

“Electric personal assistive mobility device” has the same meaning as in California Vehicle Code Section 313, as it may be amended from time to time.

“Electrically motorized boards” has the same meaning as in California Vehicle Code Section 313.5, as it may be amended from time to time.

“Low speed vehicle” has the same meaning as in California Vehicle Code Section 385.5, as it may be amended from time to time.

“Motorized scooter” has the same meaning as in California Vehicle Code Section 407.5, as it may be amended from time to time.

“Operator” means a person who owns, operates, and/or controls a regulated mobility device.

“Pedestrian path” means any publicly owned path for the exclusive use of pedestrians.

“Regulated mobility device” means an electric bicycle, electric personal assistive mobility device, electrically motorized board, low-speed vehicle, motorized scooter, and any other similar vehicle.

“Rider” means a traveler riding in or on a regulated mobility device who is not operating it.

“Vehicle” has the same meaning as in California Vehicle Code Section 670, as it may be amended from time to time.

#### Section 5.10.020 Applicability of State law; violations generally.

- (a) In addition to the restrictions imposed by this Chapter, every person riding or operating a bicycle or regulated mobility device within the Town shall exercise all due care and reduce the speed of the device, obey all traffic control devices, and take all other action relating to operation of the device as necessary to safeguard the operator, passengers, and any persons or other vehicles or devices in the immediate area. All persons must comply with all State laws pertaining to the equipping of and operation of bicycles and regulated mobility devices, particularly those sections of the California Vehicle Code pertaining to obedience to traffic officers and firefighters, accidents and accident reports, and all rules of the road.
- (b) It shall be unlawful for any person to ride or operate a bicycle or regulated mobility device in violation of any of the provisions of the California Vehicle Code or this Chapter.

#### Section 5.10.030 Riding on sidewalks and pedestrian paths prohibited.

- (a) No person shall ride or operate a bicycle or regulated mobility device on any sidewalk or pedestrian path, except as specifically permitted in this Chapter.
- (b) Juveniles under the age of ten years, exercising due care, may ride and operate their bicycles or regulated mobility devices upon a sidewalk, except that no bicycles or regulated mobility device shall be ridden or operated by any person upon any sidewalk within a business or commercial district unless specifically permitted in this Chapter.

- (c) Persons exercising due care and caution may ride and operate their bicycles or regulated mobility devices upon a sidewalk in the direction indicated when the sidewalk has been designated on an approved bicycle route plan as a “bicycle route” and has been properly signed and delineated as a bicycle route facility.

#### Section 5.10.040 Riding in groups.

Persons riding or operating bicycles or regulated mobility devices on a public highway or street shall not ride more than two abreast, except on paths or parts of a roadway set aside for the exclusive use of bicycles and regulated mobility devices; and persons riding upon a sidewalk as may be specifically permitted in this Chapter shall ride in single file only.

#### Section 5.10.050 Racing.

No person riding or operating a bicycle or regulated mobility device upon a public highway or street shall participate in any race, speed, or endurance contest unless such race or contest has the written permission of the Town Council or designee and is under the supervision of the Chief of Police.

#### Section 5.10.060 Trick riding.

No person riding or operating a bicycle or regulated mobility device upon a public highway, street, or sidewalk, as may be specifically permitted in this Chapter, shall perform, or attempt to perform, any acrobatics, trick or stunt.

#### Section 5.10.070 Riding in playgrounds or school grounds.

No person shall ride or operate a bicycle or regulated mobility device upon any playground or school grounds without permission of the person having supervision thereof.

#### Section 5.10.080 Parking.

No person shall park any bicycle or regulated mobility device against windows or on the main traveled portion of the sidewalk, nor in such a manner as to constitute a hazard to pedestrians, traffic, or property. If there is no bicycle rack or other facility intended to be used for the parking of bicycles and regulated mobility devices in the vicinity, they may be parked on the sidewalk in an upright position, parallel to and within 24 inches of the curb.

#### Section 5.10.090 Penalties for violations and enforcement.

##### (a) Penalties for violations.

- (1) The penalty for a first violation of this Chapter is \$50.
- (2) The penalty for a second violation of this Chapter is \$75.
- (3) The penalty for a third violation of this Chapter is \$100.

##### (b) In lieu of a citation or other prosecution as authorized by this Code, the Police Chief or designee may allow a violator of this Chapter to complete a Police

Department-approved safety course for bicycles or regulated mobility devices under the following circumstances:

- (1) It is the violator's first violation; and
- (2) The violator is 14 years of age or younger.

**Section 5.10.100 Exemptions.**

- (a) Public agency personnel. Notwithstanding any other provision of this Chapter, or any other Section of this Code, Town and public agency personnel may operate regulated mobility devices or other vehicles at any place in the Town in the performance of their official duties.
- (b) Disability. This Chapter does not apply to, or otherwise restrict, regulated mobility devices used in a safe manner by physically disabled persons as defined in the Americans with Disabilities Act."

**SECTION II.** Subsection (b)(1) of Section 23.30.010, "Exceptions from article," of Chapter 23, "Streets and Sidewalks," is amended to read as follows:

"Lampposts, hydrants, or bicycle or regulated mobility device racks, erected by permission of the Town."

**SECTION III. Severability.**

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

**SECTION IV. CEQA.**

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

**SECTION V. Publication.**

The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

**SECTION VI. Effective Date.**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 4<sup>th</sup> Day of April, 2023, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the \_\_\_\_\_, 2023. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_