

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA ADDING CHAPTER 12.38 TO THE LA MESA MUNICIPAL CODE TO ESTABLISH THE LA MESA ELECTRIC BICYCLE SAFETY PILOT PROGRAM PURSUANT TO CALIFORNIA VEHICLE CODE SECTIONS 21214.7, 312.5, AND 22651.08

WHEREAS, the California Legislature enacted California Vehicle Code section 21214.7 to establish the “San Diego Electric Bicycle Safety Pilot Program,” authorizing local authorities within San Diego County to prohibit operation of Class 1 and Class 2 electric bicycles by persons under 12 years of age;

WHEREAS, California Vehicle Code section 312.5 defines “electric bicycle,” sets statewide classifications for Class 1, Class 2, and Class 3 electric bicycles, and identifies vehicles that are not electric bicycles pursuant to state law (as amended by Stats. 2024, Ch. 791 (Senate Bill 1271), effective January 1, 2025);

WHEREAS, Assembly Bill 875 (2023–2024) added California Vehicle Code section 22651.08, authorizing peace officers to remove non-compliant electric-motor vehicles and Class 3 electric bicycles operated unlawfully, and established procedures for seizure, release, administrative cost recovery, and safety-course requirements;

WHEREAS, the City seeks to enhance public safety, reduce collisions involving electric bicycles, clarify local operating rules consistent with state law, and implement data collection and public information efforts required by state law; and

WHEREAS, the City finds that adoption of this Ordinance is necessary and appropriate to protect the health, safety, and welfare of residents and visitors, particularly children, while maintaining consistency with state law.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the City Council of the City of La Mesa, California as follows:

SECTION 1: The City Council finds and determines that the foregoing recitals are true and correct and hereby adopts such recitals as findings.

SECTION 2: The City Council desires to add a new Chapter 12.38 entitled “The La Mesa Electric Bicycle Safety Pilot Program Pursuant to California Vehicle Code Sections 21214.7, 312.5, and 22651.08”, to the La Mesa Municipal Code as follows:

“Chapter 12.38

THE LA MESA ELECTRIC BICYCLE SAFETY PILOT PROGRAM PURSUANT TO CALIFORNIA VEHICLE CODE SECTIONS 21214.7, 312.5, AND 22651.08

- 12.38.010 Authority
- 12.38.020 Definitions
- 12.38.030 Operation by Persons Under 12 – Prohibited
- 12.38.040 Enforcement; Violations; Penalties
- 12.38.050 Removal and Seizure of Vehicles

- 12.38.060 Data Collection and Reporting
- 12.38.070 Public Information Campaign
- 12.38.080 Sunset; Pilot Program Expiration
- 12.38.090 Severability

12.38.010 Authority.

This Chapter is adopted pursuant to:

- A. California Vehicle Code Section 21214.7.
- B. California Vehicle Code Section 312.5.
- C. California Vehicle Code Section 22651.08

12.38.020 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section:

A. "Electric bicycle" means a bicycle equipped with fully operable pedals and an electric motor that does not exceed 750 watts of power. (Veh. Code § 312.5(a))

(1) A "class 1 electric bicycle," or "low-speed pedal-assisted electric bicycle," is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, that is not capable of exclusively propelling the bicycle, except as provided in paragraph (4), that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour, and that is not capable of providing assistance to reach speeds greater than 20 miles per hour. (Veh. Code § 312.5(a)(1))

(2) A "class 2 electric bicycle," or "low-speed throttle-assisted electric bicycle," is a bicycle 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 the speed of 20 miles per hour. (Veh. Code § 312.5(a)(2))

(3) A "class 3 electric bicycle," or "speed pedal-assisted electric bicycle," is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, that is not capable of exclusively propelling the bicycle, except as provided in paragraph (4), and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and equipped with a speedometer. (Veh. Code § 312.5(a)(3))

(4) A class 1 or class 3 electric bicycle may have start assistance or a walk mode that propels the electric bicycle on motor power alone, up to a maximum speed of 3.7 miles per hour. (Veh. Code § 312.5(a)(4))

B. "Electric Bicycle Safety and Training Program" means a bicycle-safety education course that includes instruction on electric bicycle classifications, age restrictions, safe operation, helmet requirements, traffic laws, and roadway hazard awareness, and that is approved by the City Manager for purposes of this Chapter. The program may be administered by the City, a local nonprofit, or any other qualified provider approved by the City Manager.

12.38.030 Operation by Persons Under 12 – Prohibited

A person under 12 years of age shall not operate a Class 1 or Class 2 electric bicycle within the City's boundaries.

12.38.040 Enforcement; Violations; Penalties

A. For the first sixty (60) days following the effective date of the Chapter, any violation of Section 12.38.030 shall be punishable by issuance of a warning notice.

B. After the first sixty (60) days following the effective date, any violation of Section 12.38.030 shall constitute an infraction punishable by a fine of twenty-five dollars (\$25).

C. No record of the action shall be transmitted to the court, and no fee shall be imposed upon a citation for this infraction if the parent or legal guardian of the violator delivers proof to the City within one hundred twenty (120) days after issuance of the citation that the violator has completed an Electric Bicycle Safety and Training Program.

D. If an unemancipated minor violates Section 12.38.030, the parent or legal guardian with control or custody of the minor shall be jointly and severally liable for the amount of the fine imposed pursuant to this Section.

12.38.050 Removal and Seizure of Vehicles

A. Authority to Remove. Pursuant to California Vehicle Code section 22651.08, a peace officer may remove a vehicle located within the City under any of the following circumstances:

(1) A person is operating a vehicle with fewer than four wheels that:

- a. Does not meet the definition of an electric bicycle set forth in California Vehicle Code section 312.5;
- b. Is powered by an electric motor capable of exclusively propelling the vehicle in excess of 20 miles per hour; and
- c. Is being operated by a person who is not licensed to operate the vehicle.

(2) A person is operating a Class 3 electric bicycle in violation of California Vehicle Code section 21213(a).

B. Administrative Cost Recovery. The City may establish, by ordinance or resolution, charges equal to its actual administrative costs for the removal, seizure, and storage of a vehicle removed under this section.

(1) An administrative cost recovery fee shall apply to the removal, seizure, or storage of any vehicle under this chapter, in the amount set forth in the City's adopted cost recovery fee schedule.

(2) The City Council may establish or amend such fees by resolution.

(3) The current schedule of applicable fees shall be posted conspicuously on the City's public website.

C. Release of Seized Vehicles. Vehicles seized under this section shall be released to the owner, violator, or their agent after a minimum of forty-eight (48) hours, provided that:

- (1) The request for release is made during normal business hours; and
- (2) All applicable removal, seizure, and storage costs have been paid.

D. Safety Course Requirement as a Condition of Release. For vehicles removed pursuant to subdivision (A)(2), the City may require the owner, violator, or the parent or legal guardian of the violator to provide proof of completion of an Electric Bicycle Safety and Training Program approved by the City as a condition of release.

12.38.060. Data Collection and Reporting.

The City shall collect and maintain all enforcement data required by California Vehicle Code section 21214.7(d) in connection with this Chapter and shall transmit such data in accordance with Government Code Section 9795. The required data shall include:

- A. The total number of traffic stops initiated for violations of this chapter.
- B. The results of those traffic stops, including whether a warning or citation issued, property seized, or an arrest made.
- C. The number of times a person was stopped for allegedly operating a Class 1 or Class 2 electric bicycle while under 12 years of age but found to be over the age limit.
- D. If a warning or citation was issued, a description of the warning or violation cited.
- E. If an arrest or traffic stop was made, the offense cited by the officer and the perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics is solely based on the observation and perception of the peace officer who initiated the traffic stop.
- F. The actions taken by peace officer during a traffic stop, including but not limited to:
 - (1) Whether the peace officer requested consent to search the person and, if so, whether consent was provided.
 - a. Whether the peace officer asked for consent to search the person and, if so, whether consent was provided.
 - b. Whether the peace officer searched the person or property, and, if so, the basis for the search and the type of contraband or evidence discovered.
 - c. Whether the peace officer seized property and, if so, the type of property that was seized and the basis for seizing the property.
- G. The number of times a person opted to complete, and completed, an Electric Bicycle Safety and Training Program in lieu of paying a fine.
- H. The number of times a person under 12 years of age was operating an electric bicycle and involved in a crash resulting in a permanent, serious injury as defined in California Vehicle Code section 20001, or a fatality, in the six months preceding adoption of this chapter, including the cause of the crash and the class of electric bicycle involved.

I. The number of times a person under 12 years of age was operating an electric bicycle and was involved in a crash resulting in a permanent, serious injury as defined in California Vehicle Code section 20001, or a fatality, after adoption of this Chapter, including the cause of the crash and the class of electric bicycle involved.

12.38.070 Public Information Campaign.

Pursuant to California Vehicle Code section 21214.7(e), the City shall administer a public information campaign for at least thirty (30) calendar days prior to the enactment of this Chapter, which shall include public announcements in major media outlets and press releases.

12.38.080 Sunset; Pilot Program Expiration.

This Chapter, and all authority granted to the City under California Vehicle Code section 21214.7, shall remain in effect until January 1, 2029, and shall be automatically repealed on that date unless extended or renewed by state law.

12.38.090 Severability.

If any part of this Chapter is for any reason held to be invalid, unlawful, or unconstitutional, such validity, unlawfulness, or unconstitutional shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter."

SECTION 3: This Ordinance shall be effective 30 days after its adoption and the City Clerk shall certify to the adoption of this Ordinance. The City Clerk is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing a newspaper of general circulation published in the City of La Mesa.

INTRODUCED AND READ at a Regular meeting of the City Council of the City of La Mesa, California, held the 14th day of April 2026, and thereafter PASSED AND ADOPTED at a Regular meeting of said City Council held the _____th day of _____ 2026, by the following vote, to wit:

AYES:

NOES:

ABSENT:

APPROVED:

MARK ARAPOSTATHIS, Mayor

ATTEST:

MEGAN WIEGELMAN, CMC, City Clerk

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 2026-_____, duly passed and adopted by the City Council of said City on the date and by the vote therein recited and that the same has been duly published according to law.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)