



SPECIAL TOWN COUNCIL MEETING

STAFF REPORT

MEETING DATE May 21, 2025

PREPARED FOR Mayor and Town Council

PREPARED BY Heather Abrams, Town Manager
Rico Tabaranza, Chief of Police

SUBJECT Introduce, Waive First Reading, and Read by Title Only an Ordinance Adding "Chapter 10.030 - Operation of Electric Mobility Devices" to Fairfax Town Code Regarding Electric Mobility Devices

RECOMMENDATION

Staff recommends Fairfax Town Council (a) receive a staff report and presentation on a proposed Fairfax Town Code amendment regarding Electric Mobility Devices (b) Introduce the attached draft Town Ordinance adding Chapter 10.30.

BACKGROUND

The State of California has taken proactive steps to more clearly define electric bicycles, and implement legislation aimed at enhancing their safe use. The importance of these statewide efforts is to provide regulatory guidance to assist local municipalities with the increased number of electric mobility devices operated on the roadways by underage youths.

On September 30, 2024, the California Legislature passed Assembly Bill 1778, which authorizes Marin County and its municipalities to establish a pilot initiative known as the Marin Electric Bicycle Safety Pilot Program. This program includes specific safety requirements, including a prohibition on the operation of Class 2 bicycles by individuals under 16 years of age and a mandate that all Class 2 electric bicycle operators wear approved bicycle helmets.

Assembly Bill 1778 also imposes a reporting requirement on participating jurisdictions. Reports submitted to the Legislature must include data such as the number of traffic stops initiated for violations, outcomes of those stops, actions taken by law enforcement, and information regarding electric bicycle collisions, including ages of those involved.

Additionally, the legislation requires that a public information campaign be administered for at least 30 calendar days prior to the enactment of an ordinance or resolution implementing the pilot program.

The attached draft ordinance reflects the provisions introduced by Assembly Bill 1778.

DISCUSSION

Purpose and Intent:

The proposed Fairfax Town Ordinance adding Chapter 10.30, Operation of Electric Mobility Devices, to the Town Code sets forth as the purpose and intent of the new ordinance, the following:

The Town of Fairfax desires to participate in the Marin Electric Bicycle Safety Pilot Program, as authorized by California Vehicle Code section 21214.5. To the extent the provisions of this chapter intended to implement California Vehicle Code section 21214.5 conflict with any other sections of this Chapter, the provisions implementing the Marin Electric Safety Pilot Program, or the language of state law, shall control.

Definitions:

The proposed ordinance adds the definition of electric bicycles by including the California Vehicle Code section that defines the features that cause a device to fall within the various classes of electric bicycle. The addition of these definitions not only align with state law but provide clarity to those who may be impacted by the adoption of the Marin Electric Bicycle Safety Program.

Operation of Electric Mobility Devices:

The proposed ordinance would add the provisions found within the Marin Electric Bicycle Safety Program. The proposed modifications and additions are as follows:

- B. Electric Bicycle Class and Age Restrictions. Riders must be 16 years or older to ride a Class 2 Electric Bicycle or Class 3 Electric Bicycle.
- C. Helmet Requirements.
 - 1. All riders under the age of 18 must wear a properly fitted and fastened bicycle helmet that complies with California Vehicle Code section 21212(a).
 - 2. All riders of any Class 2 or Class 3 Electric Bicycle must wear a properly fitted and fastened bicycle helmet that complies with California Vehicle Code section 21212(a).

Marin Electric Bicycle Safety Program:

The proposed amendment would add the requirements outlined within Assembly Bill 1778, which are required when establishing local adoption of the Marin Electric Bicycle Safety Program. The proposed additions are as follows:

- A. California Vehicle Code Section 21214.5 authorizes local governments in Marin County to adopt ordinances prohibiting person under 16 years of age from operating Class 2 Electric Bicycles and requiring all persons operating Class 2 Electric Bicycles to wear a bicycle helmet that complies, provided the local government administers a public information campaign regarding the ordinance at least 30 days before enactment. The Town of Fairfax wishes to participate in the Marin Electric Bicycle Safety Program in order to promote the safe and efficient use of sidewalks, bicycle paths, pathways, trails, bicycle lanes, and other pedestrian and bicycle facilities in Town.
- B. Enforcement. A violation of the age and helmet requirements related to Class 2 Electric Bicycles described in this Chapter and adopted pursuant to the Marin Electric Bicycle Safety Program shall be deemed an infraction and may be punished as follows:
 - 1. For the first 60 days after adoption of this Chapter, a violation of this Chapter shall be punishable by a warning notice.
 - 2. After the first 60 days following adoption of this Chapter, a violation of this Chapter shall be punishable by a fine not exceeding \$25.00. A fee shall not be imposed upon

a citation of this infraction if the parent or legal guardian of the person who violated the prohibition delivers proof to the issuing agency within 120 days after the citation was issued that the person has completed an electric bicycle safety and training course pursuant to California Streets and Highways Code section 894, or an electrical bicycle safety course offered by any local jurisdiction, if one is available.

3. After the first 60 days following adoption of this section, a violation of this Chapter shall be punishable by a fine not exceeding \$25.00. A fee shall not be imposed upon a citation of this infraction if the person who violated the requirement, or, if that person is an unemancipated minor, their parent or guardian, delivers proof to the issuing agency within 120 days after the citation was issued that the person has a helmet meeting the requirements specified in California Vehicle Code section 21212(a) and the person has completed a safety course established pursuant to California Streets and Highways Code section 894, or an electrical bicycle safety course offered by any local jurisdiction, if one is available.

No record of any violation of the regulations specified in this Chapter shall be transmitted to any Superior Court of the State of California.

- C. Expiration. This section shall remain in effect until January 1, 2029, and as of that date is repealed.

FISCAL IMPACT

None.

ATTACHMENTS

- A. Proposed Fairfax Town Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX, CA
ADDING CHAPTER 10.30 TO TITLE 10 OF THE TOWN OF FAIRFAX MUNICIPAL CODE**

THE TOWN COUNCIL OF THE TOWN OF FAIRFAX does hereby ordain as follows:

SECTION 1. Chapter 10.30 of the Fairfax Town Code, entitled “OPERATION OF ELECTRIC MOBILITY DEVICES” is hereby added to read as follows:

“Chapter 10.30 - OPERATION OF ELECTRIC MOBILITY DEVICES

10.30.10 Purpose and Intent.

- A. The purpose of this Chapter is to regulate Electric Mobility Devices within the Town limits of Fairfax.
- B. The Town supports the usage of Electric Bicycles, Motorized Scooters, and other Electric Mobility Devices as an alternative mode of transportation and recognizes the increased usage has created safety concerns among operator interactions with other motorists and pedestrians, warranting a higher level of regulation.
- C. The Town desires to participate in the Marin Electric Bicycle Safety Pilot Program, as authorized by California Vehicle Code section 21214.5.

10.30.020 Definitions.

- A. “Electric Mobility Device” includes the following,
 - 1. “Electric Bicycle” has the same meaning as in California Vehicle Code Section 312.5.
 - i. “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, and 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, or as otherwise defined in California Vehicle Code Section 312.5.
 - ii. “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, an 47 d that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour, or as otherwise defined in California Vehicle Code Section 312.5.
 - iii. “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, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour and is equipped with a speedometer, or as otherwise defined in California Vehicle Code Section 312.5.
 - 2. “Electric personal assistive mobility device” has the same meaning as in California Vehicle Code Section 313.

3. "Electrically motorized boards" has the same meaning as in California Vehicle Code Section 313.5.
 4. "Low speed vehicle" has the same meaning as in California Vehicle Code Section 385.5.5.
 5. "Motorized scooter" has the same meaning as in California Vehicle Code Section 407.5.
- B. "Operator" means a person who owns, operates, and/or controls an Electric Mobility Device.
- C. "Public area" means any outdoor area that is open to the members of the public for public use.
- D. "Vehicle" has the same meaning as in California Vehicle Code Section 670, as it may be amended from time to time.
- E. "Bicycle" has the same meaning as in California Vehicle Code Section 231.

10.30.030 Operation of Electric Mobility Devices

- A. Prohibition of Electric Mobility Devices where posted. No person shall operate or ride on an Electric Mobility Device in public areas where Bicycles are prohibited.
- B. Electric Bicycle Class and Age Restrictions. Riders must be 16 years or older to ride a Class 2 Electric Bicycle or Class 3 Electric Bicycle.
- C. Helmet Requirements.
1. All riders under the age of 18 must wear a properly fitted and fastened bicycle helmet that complies with California Vehicle Code section 21212(a).
 2. All riders of any Class 2 or Class 3 Electric Bicycle must wear a properly fitted and fastened bicycle helmet that complies with California Vehicle Code section 21212(a).
- D. Electric Mobility Devices on sidewalks and public facilities.

No person shall operate or ride an Electric Mobility Device upon any sidewalk, in any public drainage facility, culvert, ditch, channel, or any other public athletic field, athletic/sports court, or gymnasium in the town, except for persons with mobility disabilities utilizing a wheelchair or other power-driven mobility device in accordance with the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.) and section 36.311 of Title 28 of the Code of Federal Regulations.

- E. Duty to operate Electric Mobility Devices with due care and reduced speed.
1. An operator of an Electric Mobility Device shall exercise all due care and shall reduce the speed of the device, obey all traffic control devices, and take all other actions relating to the operation of the device as necessary to safeguard the safety of the operator, passengers, and any persons or other vehicles or devices in the immediate area.
 2. It shall be unlawful to transport a passenger on an Electric Mobility Device designed for a single person, or cling to or attach oneself to an Electric Mobility Device with an

operator or rider on board, to any moving vehicle or motorized or non-motorized wheeled device.

3. It is recommended that those under the age of 16 and in primary control of any Electric Mobility Device do not ride “double” or “tandem,” regardless of the device’s capacity or ability to do so.
4. Operators must obey all applicable California Vehicle Code requirements.
5. Operators shall allow the inspection of Electric Mobility Devices upon lawful contact with police officers to determine if the rider is legally allowed to operate said Electric Mobility Device.

10.30.040 Sales/rental addendum

Businesses within the Town of Fairfax that sell, rent, or service electric mobility devices shall provide safety information and information educating users on the legal use of such devices within the State of California and the Town of Fairfax. This information shall be provided at the time of sale, time of rental, or upon request of an individual.

10.30.050 Enforcement

- A. In lieu of a fine or administrative citation as authorized by this Code, and in lieu of filing charges in any court having jurisdiction over a violation, the police chief or designee may allow a violator of this Chapter and parents of the violator, if violator is a minor, to complete a police department diversion safety program, at their expense, as assigned by the police department designee.
- B. This Chapter does not prohibit any officer from issuing a citation to the Courts for any offense based on the officer’s discretion. In the event an observed violation is not already codified in the California Vehicle Code and falls under the scope of this Chapter, an administrative citation may be issued pursuant to section 8.02.010 of this Code. The amount of any fines levied for violations of this Chapter shall comply with section 8.03.030 of this Code.
- C. In the event the operator of the Electric Mobility Device is a juvenile, officers will make every effort to contact the parent(s) or responsible guardian(s) of the said operator and advise them of the nature of the violation. This shall occur at the time of the stop or as soon as practical.

10.30.060 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 Electric Mobility Devices or other vehicles at any place in the Town to perform their duties.

- B. Disability

This Chapter does not apply to or otherwise restrict persons with mobility disabilities utilizing a wheelchair or other power-driven mobility device in accordance with the Americans with

Disabilities Act (42 U.S.C. Section 12101 et seq.) and section 36.311 of Title 28 of the Code of Federal Regulations.

10.30.070 Marin Electric Bicycle Safety Program

- A. California Vehicle Code Section 21214.5 authorizes local governments in Marin County to adopt ordinances prohibiting persons under 16 years of age from operating Class 2 Electric Bicycles and requiring all persons operating Class 2 Electric Bicycles to wear a bicycle helmet that complies, provided the local government administers a public information campaign regarding the ordinance at least 30 days before enactment. The Town wishes to participate in the Marin Electric Bicycle Safety Program in order to promote the safe and efficient use of sidewalks, bicycle paths, pathways, trails, bicycle lanes, and other pedestrian and bicycle facilities in the Town.
- B. Enforcement. A violation of the age and helmet requirements related to Class 2 Electric Bicycles described in this Chapter and adopted pursuant to the Marin Electric Bicycle Safety Program shall be deemed an infraction and may be punished as follows:
 - 1. For the first 60 days after adoption of this Chapter, a violation shall be punishable by a warning notice.
 - 2. After the first 60 days following adoption of this Chapter, a violation shall be punishable by a fine not exceeding \$25.00. A fee shall not be imposed upon a citation of this infraction if the parent or legal guardian of the minor person who violated the prohibition delivers proof to the issuing agency within 120 days after the citation was issued that the person has completed an electric bicycle safety and training course pursuant to California Streets and Highways Code section 894, or an electrical bicycle safety course offered by any local jurisdiction, if one is available.
 - 3. After the first 60 days following adoption of this Chapter, a violation shall be punishable by a fine not exceeding \$25.00. A fee shall not be imposed upon a citation of this infraction if the person who violated the requirement, or, if that person is an unemancipated minor, their parent or guardian, delivers proof to the issuing agency within 120 days after the citation was issued that the person has a helmet meeting the requirements specified in California Vehicle Code section 21212(a) and the person has completed a safety course established pursuant to California Streets and Highways Code section 894, or an electrical bicycle safety course offered by any local jurisdiction, if one is available.

No record of any violation of the regulations specified in this Chapter shall be transmitted to any Superior Court of the State of California.

- C. Expiration. This section shall remain in effect until January 1, 2029, and as of that date is repealed.”

SECTION 2. CEQA. The Town Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment, because the Ordinance regulates and limits the operation of electric mobility devices in certain public areas, generally already developed with roads and bike paths, within the town limits of the Town of Fairfax, and is therefore exempt from the California Environmental

Quality Act review pursuant to Title 14, Chapter 3, Section 15061(b)(3) of the California Code of Regulations.

SECTION 3. Effective Date. This Ordinance shall be effective 30 days after its adoption by Town Council. A summary of this Ordinance shall, within fifteen (15) days after the passage of this ordinance, the Town Clerk shall cause it or a summary of it to be posted in the following three places: Fairfax Town Hall; the Fairfax Women's Club; and the Fairfax Post Office.

INTRODUCED at a regular meeting of the Town Council of the Town of Fairfax on the 21st day of May 2025, and

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Fairfax on the ____ day of _____ 2025, by the following vote:

AYES:

NOES:

ABSENT

ABSTAIN:

LISEL BLASH

MAYOR OF THE TOWN OF FAIRFAX

ATTEST

CHRISTINE FOSTER
DEPUTY TOWN CLERK