

## **ORDINANCE NO. CC-2025\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, ADDING CHAPTER 10.46 (“ELECTRIC MOBILITY DEVICES”) OF TITLE 10 (“VEHICLES AND TRAFFIC”) OF THE LA HABRA MUNICIPAL CODE PERTAINING TO THE USE OF ELECTRONIC MOBILITY DEVICES IN THE CITY AND FINDING THAT THE ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, the City Council may enact ordinances to promote the public health, safety and welfare under Art. XI, Sec. 7 of the California Constitution; and

WHEREAS, the use of electric mobility devices (including electric bicycles, motorized scooters, and motorized skateboards) has substantially grown in popularity, both as a form of recreation and as an alternative means of travel; and

WHEREAS, electric mobility devices are often operated in areas used by pedestrians and bicyclists; and

WHEREAS, as a result of the growing popularity of electric mobility devices, the City Council has determined that it is in the public interest to establish electric mobility device regulations to protect the health, safety, and welfare of La Habra residents, businesses, and visitors.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10.46 (“Electric Mobility Devices”) of Title 10 (“Vehicles and Traffic”) of the La Habra Municipal Code is hereby added as follows:

### **Chapter 10.46 Electric Mobility Devices**

Section 10.46.010 Purpose.

The purpose of this chapter is to protect the health, safety, and welfare of La Habra residents, businesses, and visitors by regulating the operation of electric mobility devices. The City supports the usage of electric mobility devices as an alternative mode of transportation, but recognizes that increased usage has created safety concerns among operator interactions with other pedestrians and bicyclists.

Section 10.46.020 Definitions.

- A. "Bicycle" as defined in California Vehicle Code Section 231 (which expressly includes e-bikes).
- B. "Electric mobility device" includes the following, each as defined in the California Vehicle Code, as it may be amended from time to time:

1. "Electric bicycle" as defined in California Vehicle Code Section 312.5, and shall also be known and is sometimes referred to herein as "e-bike" and shall include the following classes:
  - (a) "Class one 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.
  - (b) "Class two 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.
  - (c) "Class three 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.
2. "Electric personal assistive mobility device" as defined in California Vehicle Code Section 313.
3. "Electrically motorized board" as defined in California Vehicle Code Section 313.5.
4. "Motorized scooter" as defined in California Vehicle Code Section 407.5.
5. "Pocket bike" as defined in California Vehicle Code Section 473(a).
- C. "Moped" has the same meaning as in California Vehicle Code Section 406(a).
- D. "Operator" means a person who owns, operates, and/or controls an electric mobility device.
- E. "Public area" means any outdoor area that is open to the public, whether publicly or privately owned.
- F. "Vehicle" has the same meaning as in California Vehicle Code Section 670.

#### Section 10.46.030 Operation of Electric Mobility Devices.

- A. Operation of Electric Mobility Devices Where Prohibited. No person shall operate or ride or operate an electric mobility device in public areas within the City of La Habra. Nothing herein shall be deemed to prohibit operation of any e-bike upon any bicycle path or bicycle trail.

B. Operation of Electric Mobility Devices on Sidewalks and Public Facilities. No person shall operate or ride an electric mobility device: (i) upon any sidewalk; (ii), in any public drainage facility, culvert, ditch, or channel; (iii) outside of any roadway or other paved public area; (iv) in or upon any public athletic field, athletic/sports court, or gymnasium in the City; or (v) over any equestrian trail, or hiking or recreational trail.

C. Duty to Operate Electric Mobility Devices with Due Care and Reduced Speed.

1. The 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 protect the safety of the operator, passengers, and any persons or other vehicles or devices in the vicinity. In no case shall an operator operate an electric mobility device faster than 27 miles per hour in any public area.

2. No person shall ride or operate a bicycle, e-bike, moped, motorized scooter, or any other electric mobility device, in an unsafe manner in any public area. "Unsafe manner" means and includes operating a device in any manner that displays a willful or wanton disregard for the safety of the operator, other persons or property.

#### Section 10.46.040 Enforcement.

A. This chapter does not prohibit any officer, in their discretion, from issuing a citation whereby the violator promises to appear in court for any violation of this Chapter or the California Vehicle Code. In the event an observed violation is not a violation of the California Vehicle Code, but is a violation of this Chapter, an citation may be issued pursuant to Chapters 1.08 and 1.20 of this Code.

B. In the event the offending 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 operator and advise them of the nature of the violation. This shall occur at the time of the stop or as soon as practical thereafter.

C. The Police Chief or designee may establish a diversion safety program for juvenile offenders and/or their parent and/or responsible guardian in lieu of the penalties set forth in this Chapter. If such a program is made available, participants shall be responsible for bearing the costs of participation.

D. Each parent or legal guardian having custody and control of a minor who is issued an administrative citation for violation of this Chapter shall be jointly and severally liable with such minor for payment of the administrative fine.

#### Section 10.46.050 Exemptions.

A. Public Agency Personnel. Notwithstanding any other provision of this Chapter or any other section of this Code, City personnel may operate electric mobility devices or other vehicles at any place in the City to perform their official 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.

SECTION 2. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, or by any preemptive legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not deemed or declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently deemed or declared invalid or unconstitutional.

SECTION 3. The City Council finds and determines that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Accordingly, this Ordinance is not subject to the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the same manner required by law. This ordinance shall become effective thirty (30) days from and after its passage.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of La Habra held on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Rose Espinoza  
Mayor

ATTEST:

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Rhonda J. Barone, CMC  
City Clerk

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } SS  
CITY OF LA HABRA )

I, Rhonda J. Barone, CMC, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. CC-2025-\_\_ introduced at a regular meeting of the City Council of the City of La Habra held on the 4<sup>th</sup> day of August, 2025, and was thereafter adopted at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Rhonda J. Barone, CMC  
City Clerk