

ORDINANCE 2024-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA AMENDING CHAPTER 10.68 OF THE VISTA MUNICIPAL CODE REGARDING BICYCLES

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council hereby finds and declares all of the following:

A. This ordinance is enacted by the City Council pursuant to its authority under the Charter of the City of Vista and Article 11, Section 7 of the California Constitution.

B. The City Council intends that this ordinance be construed and applied in a manner that is consistent with state law, the provisions of the Vista Municipal Code, other local enactments, and all voter-approved measures.

C. The City Council finds and determines that to promote bicycle safety, including e-bike safety, in the City of Vista, certain changes to the Vista Municipal Code pertaining to the operation and use of bicycles and e-bikes within the City of Vista are necessary.

2. Code Amendment.

Chapter 10.68 of the Municipal Code is amended and restated in full as follows:

**“Chapter 10.68
Bicycles**

Sections:

10.68.010	Definitions
10.68.020	Destroying Bicycle Identification
10.68.030	Riding on Sidewalks
10.68.040	Riding on Bicycles
10.68.050	Bikeways
10.68.060	Dismount in Crosswalk & on Sidewalk
10.68.070	Bicycle Parking
10.68.080	Traffic and Safety Laws Apply to Persons Riding Bicycles
10.68.090	Motorized Scooters & Motorized Bicycles
10.68.100	Enforcement

Section 10.68.010 Definitions

"Bicycle" is any device on which any person may ride, propelled exclusively by human power or has fully operable pedals and an electric motor of less than 750 watts, or as otherwise defined in California Vehicle Code Section 231 & 312.5 as may be amended from time to time.
(Prior Code 5-1; Ord. No. 75-36, Amended 2/9/75; Ord. No. 76-3, Amended 2/23/76)

“Bicycle Identification” is any bicycle license indicia, registration form, serial number, or identification marks on any bicycle.

“Bikeway” means all facilities that provide primarily for, and promote, bicycle travel or as otherwise defined by California Streets and Highways Code 890.4.

“Crosswalk” is any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface or as otherwise defined in California Vehicle Code Section 275.

“Motorized Bicycle” or **“Moped”** is a two-wheeled device with or without operational pedals, an automatic transmission, and an electric or gas-powered motor that can propel the device and rider at speeds no greater than 30 miles per hour or as otherwise defined by California Vehicle Code Section 406 as may be amended from time to time.

“Motorized Scooter” is any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding and is powered by an electric motor, or as otherwise defined by California Vehicle Code Section 407.5 as may be amended from time to time.

“Roadway” means all facilities that are ordinarily used for vehicular travel or as otherwise defined in California Vehicle Code Section 530.

“Sidewalk” means the portion of the public right of way used for pedestrian traffic. The term “sidewalk” excludes any area primarily designated for use by vehicles, bicycles, the conveyance of storm water or planted with landscape.

Section 10.68.020 Destroying Bicycle Identification

It is unlawful for any person to willfully or maliciously remove, destroy, alter, tamper with or mutilate any bicycle license indicia, registration form, serial number or identification marks on any bicycle frame during the time such indicia is operative. However, nothing in this chapter prohibits the license collector from stamping numbers on the frames of bicycles on which no serial number can be found or on which said number is illegible or insufficient for identification purposes.

(Prior Code 5-10; Ord. No. 75-36, Amended 2/9/75; Ord. No. 76-3, Amended 2/23/76)

Section 10.68.030 Riding on Sidewalks

Bicycle Restriction. It is unlawful for any person to ride or operate a bicycle upon any sidewalk in the city, with the exception of locations included in the City's Bicycle Master Plan with proper signage and striping as approved by the City's Traffic Engineer. Law enforcement officers shall be exempt from the provision of this section when in the performance of their duties.

(Ord. No. 98-12, Added, 11/10/98; Ord. No. 2015-3, Amended, 1/27/15)

Section 10.68.040 Riding on Bicycles

A. Any person riding or operating a bike shall always exercise reasonable care and observe all applicable laws.

B. It shall be unlawful for any person to ride in a manner not designed by the bicycle manufacturer for passenger riding. There shall be a manufacturer installed seat for the rider and every passenger on a bicycle. It shall be unlawful for the operator of any bicycle to carry any other person upon the handlebars or pegs of any bicycle.

Section 10.68.050 Bikeways

Whenever a usable bikeway for bicycles has been provided adjacent to a roadway, bicycle riders shall use such bikeway and shall not use the roadway, unless otherwise provided in California Vehicle Code Section 21208.

Section 10.68.060 Dismount in Crosswalk and on Sidewalk

Every bicycle operator using a crosswalk to cross an intersection or using a sidewalk shall dismount from their bicycle to use the crosswalk or sidewalk.

Section 10.68.070 Bicycle Parking

A. No person shall park a bicycle on a public street or roadway.

B. It is permissible to park a bicycle on a sidewalk in a bike rack to support the bicycle or against a building or on a sidewalk in such a manner as to afford the least obstruction to pedestrian traffic.

Section 10.68.080 Traffic and Safety Laws Apply to Persons Riding Bicycles

Every operator or passenger riding a bicycle on a roadway or bikeway shall be granted all of the rights and shall be subject to all of the duties applicable to the operator or passenger of a vehicle established in this charter and as otherwise provided in Sections 21200-21213 of the California Vehicle Code.

The above is intended to require riders and operators of bicycles to always ride at speeds appropriate for the road conditions, always ride on the right side of the road and in the same direction of vehicle travel on said road, obey all traffic signs, speed limits and all other applicable laws and regulations. In addition, it is intended to require riders and operators of bicycles to ride safely during daylight or darkness, maintain the safety features of their bicycles, and wear safety gear as provided by Sections 21200-21213 of the California Vehicle Code.

Section 10.68.090 Motorized Scooters & Motorized Bicycles

Every operator or rider of a motorized scooter or motorized bicycle is required to follow the laws of this charter as if operating as a bicycle rider and as otherwise provided in the California Vehicle Code. In addition, a person may not operate a motorized scooter or motorized bicycle unless that person holds a valid driver's license with appropriate classifications as provided by the California Vehicle Code Section 12804.9.

Section 10.68.100 Enforcement

In lieu of the imposition of the penalties authorized by this title and/or the filing of charges in a court of competent jurisdiction, the Sheriff Captain or designee may allow a first-time violator of this chapter to complete a law enforcement department-approved bicycle safety course."

3. Severability. If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

4. Effective Date. This Ordinance shall be in full force and effect on the thirty-first day following the date of its adoption.

5. Adoption. INTRODUCED and ADOPTED at a meeting of the City Council of the City of Vista held on January 9, 2024, by the following vote:

AYES: Mayor Franklin, Green, Contreras, Melendez, O'Donnell

NOES: None

ABSTAIN: None



JOHN FRANKLIN, MAYOR

APPROVED AS TO FORM:
WALTER CHUNG, CITY ATTORNEY

ATTEST:
KATHY VALDEZ, CITY CLERK

By: _____

By: _____

APPROVED
Walter C. Chung
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