

ORDINANCE NO. 2025-XXXX

AN ORDINANCE OF THE CITY OF SAN MARCOS, CALIFORNIA, AMENDING SAN MARCOS MUNICIPAL CODE CHAPTER 12.25 (BICYCLE AND ELECTRIC BICYCLE REGULATIONS) TO PROHIBIT PERSONS UNDER 12 YEARS OF AGE FROM RIDING ELECTRIC BICYCLES

WHEREAS, the San Diego Police Department and County Sheriff's Office recently announced there had been a growing number of children riding electric bicycles (e-bikes) on local streets and reported 82 e-bike crashes in the County over the past year, with most of them involving children 11 to 17 years of age; and

WHEREAS, the Consumer Product Safety Commission recommends that children under the age of 12 should not ride a vehicle with a motor capable of going faster than 10 miles per hour; and

WHEREAS, California law categorizes e-bikes into three classes: Classes 1 and 2 include e-bikes that can go up to 20 miles per hour, without a minimum age limit; Class 3 includes e-bikes that go up to 28 miles per hour, with a minimum rider age of 16 (California Vehicle Code sections 312.5 and 21213); and

WHEREAS, in August 2022 the city of Carlsbad, a neighboring jurisdiction of the City of San Marcos (City) issued a proclamation declaring a state of emergency due to an increase in accidents involving e-bikes and bicycles, and in May 2023, another North San Diego County city, Encinitas, followed suit after a teenager lost his life in an e-bike collision with a motorized vehicle; and

WHEREAS, in recent years, e-bike safety has become a growing community concern in the City, especially with respect to the safety of young riders, and the City Council desires to be proactive in avoiding e-bike accidents and the states of emergency that its fellow north county cities have experienced; and

WHEREAS, as of January 1, 2025, a new California law, Vehicle Code section 21214.7 (AB 2234), also known as the San Diego Electric Bicycle Safety Pilot Program, authorizes cities in San Diego County to prohibit the use of Class 1 and Class 2 e-bikes by those under 12 years of age; and

WHEREAS, AB 2234 authorizes enforcement of such a prohibition by resolution or ordinance adopted by a local agency; and

WHEREAS, in accordance with AB 2234, the City desires to prohibit persons under 12 years of age from operating a class 1 or class 2 electric bicycle, and to enforce the prohibition, within the City; and

WHEREAS, City staff is administering the public outreach campaign required by AB 2234, having initiated an e-bike public safety campaign in August, 2025.

NOW, THEREFORE, the City Council of the City of San Marcos, California, in accordance with the freedom afforded to charter cities generally, and by the Charter of the City of San Marcos specifically, does ordain as follows:

Section 1. The foregoing recitals are found to be true and correct and are incorporated herein as though set forth in full at this point.

Section 2. Title 12 of the San Marcos Municipal Code is hereby amended to prohibit persons under 12 years of age from riding electric bicycles within the City and allow enforcement of such prohibition pursuant to AB 2334, as set forth in Exhibit 1 to this Ordinance.

Section 3. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 4. Within fifteen (15) days following adoption of this Ordinance, the City Clerk shall certify to the passage of the Ordinance and cause the same to be published, or the title thereof as a summary, in accordance with the provisions of State law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 28<sup>th</sup> day of October, 2025, by the following roll call vote:

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

APPROVED:

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Rebecca D. Jones, Mayor  
City of San Marcos

ATTEST:

APPROVED AS TO FORM:

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Phillip Scollick, City Clerk  
City of San Marcos

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Helen Holmes Peak, City Attorney  
City of San Marcos