

**ORDINANCE NO. [XXXX]**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA ADDING CHAPTER 10.35 – “USE OF PROTECTIVE HELMETS FOR OPERATORS OF HUMAN-POWERED AND ELECTRIC-ASSISTED DEVICES” TO THE BEAUMONT MUNICIPAL CODE**

**WHEREAS**, the City of Beaumont (“City”) is a general law city organized under the California Constitution and the laws of the State of California.

**WHEREAS**, the California Constitution, Article XI, Section 7, grants municipalities the authority to "make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws"; and

**WHEREAS**, California Vehicle Code § 21212 mandates a person under 18 years of age shall not operate a bicycle, a nonmotorized scooter, or a skateboard, nor wear in-line or roller skates, nor ride upon a bicycle, a nonmotorized scooter, or a skateboard as a passenger, upon a street, bikeway, as defined in California Streets & Highway Code § 890.4, or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet; and

**WHEREAS**, California Vehicle Code § 21213 mandates a person shall not operate a class 3 electric bicycle, or ride upon a class 3 electric bicycle as a passenger, upon a street, bikeway, as defined in California Streets & Highway Code § 890.4, or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet; and

**WHEREAS**, California Vehicle Code § 312.5 defines and classifies electric bicycles into three classes, and while state law mandates helmet use for certain electric bicycle operators; and

**WHEREAS**, the City recognizes the importance of aligning its ordinances with California state law to ensure consistency and avoid preemption, while addressing the unique needs and safety concerns of its residents, businesses, and visitors; and

**WHEREAS**, the City has a duty to protect the health, safety, and welfare of its residents, businesses, and visitors; and

**WHEREAS**, electric bicycles and electric mobility devices present unique safety challenges due to their speed, weight, and the potential for collisions with pedestrians, motorists,

and other cyclists, leading to a documented increase in head injuries and emergency room visits; and

**WHEREAS**, the City desires to promote the responsible and safe usage of bicycles, nonmotorized scooters, skateboards, in-line skates, roller skates, electric bicycles and electric mobility devices within the community while also encouraging the adoption of these environmentally friendly transportation alternatives; and

**WHEREAS**, the City Council finds that requiring all persons, regardless of age, to wear helmets while operating or riding as a passenger on a bicycle, nonmotorized scooter, skateboard, in-line skates, roller skates, electric bicycles or electric mobility devices is a reasonable and necessary measure to prevent head injuries and reduce the severity of accidents.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Beaumont as follows:

**SECTION 1.** All the above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** The City Council hereby adopts the bicycle, nonmotorized scooter, skateboard, in-line skates, roller skates, electric bicycle and electric mobility device helmet requirements by adding Chapter 10.35 – Use of Protective Helmets for Operators of Human-Powered and Electric-Assisted Devices, as set forth in Exhibit A, which Exhibit is attached hereto and incorporated herein by this reference.

**SECTION 3.** The City shall post clear signage regarding helmet requirements in areas commonly used by bicycle, nonmotorized scooter, skateboard, in-line skates, roller skates, electric bike riders and electric mobility device operators.

**SECTION 4.** The City will offer periodic safety courses to promote compliance and public awareness of this Ordinance.

**SECTION 5.** In the event of any conflict between the terms, provisions, conditions, or requirements of this ordinance and those of any other ordinance, resolution, regulation or policy of the City, the terms provisions, conditions, and requirements of this ordinance shall prevail and be deemed superior, except where preempted by state or federal law.

**SECTION 6.** If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain

valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**SECTION 7.** The Mayor shall sign, and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

**SECTION 8.** The City authorizes City staff to take such other and additional actions as may be reasonably necessary to implement the purpose of this ordinance and implement the exhaustion of administrative remedies procedure adopted herein.

**[SIGNATURE PAGE FOLLOWS]**

**INTRODUCED, TITLE READ, FURTHER READING WAIVED**, and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the day of \_\_\_\_\_ 2025, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Lara, Mayor

Attest:

\_\_\_\_\_  
Nicole Wheelwright, Deputy City Clerk

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Beaumont, California, held on the \_day of \_\_\_\_\_ 2025.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Lara, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Nicole Wheelwright, Deputy City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
John Pinkney, City Attorney

## **EXHIBIT A**

### **Chapter 10.35**

#### **Use of Protective Helmets for Operators of Human-Powered and Electric-Assisted Devices**

##### **10.35.010 - Purpose and Intent**

The purpose and intent of this chapter is to protect the health, safety, and welfare of Beaumont residents, businesses, and visitors by requiring the use of protective helmets for all persons operating a broad range of human-powered and electric-assisted devices including, but not limited to, bicycles, nonmotorized scooters, skateboards, in-line skates, roller skates, electric bicycles and electric mobility devices (as defined in 10.35.020 – Definitions) (“Human-Powered and Electric-Assisted Devices”) within the City. This ordinance aims to:

- a. Reduce the incidence and severity of head injuries and other physical harm resulting from accidents involving Human-Powered and Electric-Assisted Devices;
- b. Promote responsible and safe usage of Human-Powered and Electric-Assisted Devices on public roadways, paths, and trails;
- c. Establish clear safety standards and requirements for the operation of Human-Powered and Electric-Assisted Devices;
- d. Encourage the adoption of Human-Powered and Electric-Assisted Devices as environmentally friendly transportation alternatives while ensuring such adoption does not compromise public safety; and
- e. Nothing in this chapter shall be construed to preempt, supersede, or conflict with any provision of California state law, including but not limited to the California Vehicle Code § 21212 and California Vehicle Code § 21213. Where this chapter imposes requirements that are more stringent than those set forth in California state law, such requirements are intended to be in addition to rather than conflict with state law requirements.

##### **10.35.020 – Definitions**

- a. “Bicycle” shall have the same meaning as defined in California Vehicle Code Section 231.
- b. “Electric Bicycle” shall have the same meaning as defined in California Vehicle Code Section 312.5, and shall be classified as follows:

1. “Class 1 Electric Bicycle” or “Low-Speed Pedal-Assisted Electric Bicycle” means 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 twenty (20) miles per hour.

2. “Class 2 Electric Bicycle” or “Low-Speed Throttle-Assisted Electric Bicycle” means 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 twenty (20) miles per hour.

3. “Class 3 Electric Bicycle” or “Speed Pedal-Assisted Electric Bicycle” means 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.

c. “Electric Mobility Device” means any wheeled device powered by an electric motor that is designed to transport only one person, including but not limited to electric scooters, electric skateboards, electric unicycles, hoverboards, and similar self-balancing devices and as defined below:

1. “Electric Personal Assistive Mobility Device” as defined in Cal. Veh. Code § 313.

2. “Electrically Motorized Board” as defined in Cal. Veh. Code § 313.5.

3. “Motorized Scooter” as defined in Cal. Veh. Code § 407.5.

4. “Pocket Bike” as defined in Cal. Veh. Code § 473(a).

d. “Nonmotorized Scooter” means a manually powered scooter that is propelled by pushing with one foot or both feet.

e. “Skateboard” means a board mounted on wheels, typically ridden by standing and propelled manually.

f. “In-line Skates” or “Roller Skates” means foot-mounted skates with two or more wheels in a line or side-by-side configuration used for rolling on surfaces.

g. "Helmet" means a properly fitted and fastened head covering, designed to protect the user from head injuries during impact, that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities.

h. "Operator" means a person who owns, operates, and/or controls an electric bicycle or electric mobility device.

i. "Public Area" means any outdoor area that is open to the public, whether publicly or privately owned, including but not limited to streets, sidewalks, paths, trails, parks, and recreational areas.

#### 10.35.030 – Helmet Requirement

a. It shall be unlawful for any person to operate or ride as a passenger on a bicycle, nonmotorized scooter, skateboard, in-line skates, roller skates, electric bicycle of Class 1, Class 2, or Class 3, or any electric mobility device, in any public area within the City of Beaumont unless such person is wearing a properly fitted and fastened helmet that meets the safety standards established in Section 10.35.020(g) of this chapter.

b. The helmet requirement set forth in this section shall apply to all persons, regardless of age, operating or riding as a passenger on a bicycle, nonmotorized scooter, skateboard, in-line skates, roller skates, electric bicycle or electric mobility device within the City's jurisdiction.

c. Parents or legal guardians of minors shall be responsible for ensuring that their children comply with the provisions of this section.

#### 10.35.040 – Enforcement

a. Any person found to be in violation of this chapter shall be subject to the following penalties:

(1) First offense: ~~a warning and education about the helmet requirement, or~~ a fine of \$25.00.

(2) Second offense within 12 months: a fine of \$50.00.

(3) Third and subsequent offenses within 12 months: a fine of \$100.00.

b. In the event the operator of the bicycle, nonmotorized scooter, skateboard, in-line skates, roller skates, electric bicycle or electric mobility device is a juvenile, the City shall make reasonable efforts to contact the parent(s) or legal guardian(s) of the operator and advise them of the violation.

~~e. The City may, in lieu of imposing a fine, allow a violator to complete a bicycle or relevant safety education program, if available, as assigned by the City. Upon successful completion of the program, the fine shall be waived.~~

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

~~de.~~ The City shall establish a hardship waiver program for individuals who demonstrate financial inability to pay the fines established in this section. ~~Such individuals may be offered community service or other alternatives in lieu of monetary penalties.~~

#### 10.35.050 – Exemptions

a. This chapter shall not apply to City personnel operating electric bicycles or other vehicles while performing their official duties.

b. This chapter shall not apply to persons with mobility disabilities utilizing wheelchairs or other power-driven mobility devices in accordance with the Americans with Disabilities Act.

c. The City Manager or designee may grant temporary exemptions from the requirements of this chapter for special events or circumstances, provided that adequate alternative safety measures are implemented.