

**CITY OF MERCED
Development Services**

TO: Bicycle Advisory Commission
FROM: Michael Hren, AICP; Principal Planner
DATE: December 12, 2017
SUBJECT: Bicycle Advisory Commission Requests, Information Items, and Subcommittee Reports

BACKGROUND

At the Bicycle Advisory Commission (BAC) of October 24, 2017, a subcommittee was created with the purpose of making recommendations to the BAC regarding updated language for Merced Municipal Code Chapter 10.44.

DISCUSSION

The subcommittee has created a draft of a proposed revision to Merced Municipal Code Chapter 10.44 that is provided as Attachment A. The current, adopted version of Merced Municipal Code Chapter 10.44 is provided for comparison purposes as Attachment B. This draft language primarily removes language and sections related to the licensing of bicycles in Merced.

To assist in answering questions that arose from the BAC meeting of October 24, 2017, staff has continued to engage with the Police Department regarding statistics, data, and other issues. Attachment C contains a table indicating the number of bicycle licenses issued in Merced from 2009 to present. The Police Department indicated that there has been no occurrence in memory of a stolen bicycle recovered by Merced Police using the City license. The Police Department also clarified their position regarding the licenses, that they are a tool that can be used to stop people on bicycles, and that they believe this tool needs to remain a requirement in the Municipal Code.

ACTION

Provide staff with any changes the BAC would like to see for a Recommendation to the City Council to be made at the next BAC meeting.

ATTACHMENT

- A. Draft Revisions to Merced Municipal Code Chapter 10.44 provided by the BAC subcommittee.
- B. Merced Municipal Code Chapter 10.44, current version.
- C. Merced Police Department Licensure Data, 2009-2017

Chapter 10.44 - BICYCLES

10.44.010 - Bicycle defined.

For the purpose of this chapter, "bicycle" means any device upon which a person may ride, which is propelled by human power through a system of belts, chains or gears, and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.

(Ord. 1153 § 2, 1975: prior code § 7.2).

10.44.020 - Operation restricted.

Bicycles may be operated upon all the streets, public highways and designated bicycle trails of the city. Bicycles may also be operated on all the sidewalks of the city except when appropriate signs are displayed thereon.

10.44.030 - Obedience to traffic control devices

The operator of any bicycle shall obey the instructions of any official traffic control device placed in accordance with this chapter unless otherwise directed by a police officer or other authorized person.

10.44.040 - Speed

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing and in no event at a speed greater than the prima facie speed limit applicable to motor vehicles.

10.44.050 - Emerging from alley or driveway

The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalks or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

10.44.060 - Riding on sidewalks

Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. At the intersection of two or more sidewalks, where the vision of the operator of a bicycle is so restricted by hedges, bushes, buildings, or any other obstruction so that the approach of a pedestrian cannot be observed and there is danger of a collision with the pedestrian, the operator of a bicycle shall dismount and walk through the intersection of the sidewalks.

10.44.070 - Parking

No person shall park a bicycle upon any public street, sidewalk, bicycle lane, or bicycle path except as provided in this section.

(a) Bicycles shall be parked in a designated bicycle parking facility or rack if such facility or rack is readily accessible.

(b) If no designated bicycle parking facility or rack is readily accessible, a bicycle may be parked on a roadway provided that it shall be parked against the curb thereof or the edge thereof if there is no curb.

(c) If no designated bicycle parking facility or rack is readily accessible, a bicycle may be parked upon a sidewalk provided that it shall be parked so as not to obstruct pedestrian traffic.

10.44.080 - Violation—Penalty.

Every person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition to the penalties provided by Chapter 1.08, the court may impound and retain possession of any such bicycle, the subject of such violation, and may retain possession thereof until the license provided for in this chapter has been obtained by the person required so to do.

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(Ord. 1153 § 2, 1975: prior code § 7.2).

10.44.020 - License—Required.

No person shall operate or use a bicycle upon any public street or highway in the city without first obtaining a license which is issued by the chief of police or his designee upon a written application therefor.

(Ord. 1153 § 1, 1975: prior code § 7.1).

10.44.030 - License—Duration.

All bicycle licenses issued pursuant to this chapter prior to December 31, 1978, shall expire on December 31, 1978. All bicycle licenses issued pursuant to this chapter on and after January 1, 1979, shall be valid for such period as shall be prescribed bylaw or by valid regulation of the Director of the Department of Motor Vehicles of the state.

(Ord. 1153 § 3, 1975: prior code § 7.3).

10.44.040 - License—Operation restricted.

When issued, bicycle licenses shall entitle the licensee to operate such bicycle for which the license has been issued upon all the streets, public highways and designated bicycle trails of the city. Bicycles may also be operated on all the sidewalks of the city except the following, when appropriate signs are displayed thereon: Main Street from G to V Street, 18th Street from Martin Luther King, Jr. Way to N Street, I Street from 16th to 18th Street, Martin Luther King, Jr. Way from 16th to 18th Street, K Street from 16th to 18th Street, L Street from 16th to 18th Street, M Street from 16th to 20th Street and N Street from 16th to 18th Street.

(Ord. 1851 § 28, 1993: Ord. 1558 § 1, 1984: prior code § 7.4).

10.44.050 - License—Form.

The license indicia issued pursuant to this chapter shall be in such form, and of such material, as is prescribed by law or by valid regulation of the Director of the Department of Motor Vehicles of the state.

(Ord. 1153 § 4, 1975: prior code § 7.5).

10.44.060 - License—Attaching tag.

It shall be the duty of the chief of police to attach a suitable license plate, tag or sticker to the frame of each bicycle for which a license is issued, and to issue a corresponding registration card to the licensee

upon payment of the license fee. Such license plate, tag or sticker shall remain attached to such bicycle during the valid period of such license.

(Prior code § 7.6).

10.44.070 - Records to be kept.

The chief of police shall maintain records of each bicycle registered. Such records shall include but not be limited to the license number, the serial number of the bicycle, the make, type and model of the bicycle, and the name and address of the licensee.

(Ord. 1153 § 5, 1975: prior code § 7.7).

10.44.080 - Weekly report—New and secondhand dealers.

All persons engaged in the business of selling new or secondhand bicycles are required to make a weekly report to the chief of police giving a list of all sales made by each dealer, which list shall include:

- A. The name and address of such person to whom a bicycle was sold;
- B. The kind of bicycle sold;
- C. A description and frame number thereof;
- D. The number of the license plate, tag or sticker attached thereto, if any.

(Prior code § 7.8).

10.44.090 - Report—Secondhand dealers.

Persons engaged in the business of buying secondhand bicycles are required to make a weekly report to the chief of police specifying:

- A. The name and address of the person from whom each bicycle is purchased;
- B. The description of each bicycle purchased;
- C. The frame number thereof;
- D. The number of the license plate, tag or sticker found thereon, if any.

(Prior code § 7.9).

10.44.100 - Report—Sale of bicycle—Change of address.

Whenever the owner of a bicycle licensed under this chapter sells or otherwise disposes of a bicycle, he shall within ten (10) days notify the chief of police of such sale or disposition, and shall provide the name and address of the person to whom the bicycle was transferred.

(Ord. 1153 § 6, 1975: prior code § 7.10).

10.44.110 - Acquisition of licensed bicycle—Transfer of license.

Any person who purchases or otherwise acquires possession of a bicycle licensed hereunder shall within ten (10) days of taking possession apply for transfer of license to his name.

(Ord. 1153 § 7, 1975: prior code § 7.10.1).

10.44.120 - Change of address.

Whenever the owner of a bicycle licensed under this chapter changes his address, he shall within ten (10) days notify the licensing agency of the old and new address.

(Ord.1153 § 8, 1975: prior code § 7.10.2).

10.44.130 - Removal or alteration of frame number.

No person shall willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter.

(Prior code § 7.11).

10.44.140 - Removal or mutilation of license plate or registration card.

No person shall remove, destroy, mutilate or alter any license plate or registration card during the time in which such plate or card is operative.

(Prior code § 7.12).

10.44.150 - Exception 10.44.130 and 10.44.140—Chief of police.

Nothing in this chapter shall prohibit the chief of police from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes.

(Prior code § 7.13).

10.44.160 - Fees.

The fee for the license issued pursuant to this chapter is two dollars (\$2.00) per year, or fifty cents (\$0.50) for each three (3) months from the date of issuance of the license until the date of its expiration.

(Ord. 1153 § 9, 1975: prior code § 7.14).

10.44.170 - Violation—Penalty.

Every person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. In addition to the penalties provided by Chapter 1.08, the court may impound and retain possession of any such bicycle, the subject of such violation, and may retain possession thereof until the license provided for in this chapter has been obtained by the person required so to do.

(Prior code § 7.15).

Information from the Police Department regarding number of bicycle licenses issued by year:

Year	# Licenses Issued
2017 (as of December 07, 2017)	41
2016	41
2015	43
2014	24
2013	30
2012	45
2011	48
2010	23
2009	34

Information from the Police Department regarding stolen bicycle recovery:

There has not been a recorded occurrence of a stolen bicycle being recovered by using the city license.