

ORDINANCE NO. 22-002

Ordinance Of The City Council Of The City Of Emeryville Eliminating Bicycle License And Registration Requirements In Sections 4-1.03 Through 4-1.05 Of Title 4 Of The Emeryville Municipal Code ("Bicycles")

WHEREAS, Chapter 1 of Title 4 of the Emeryville Municipal Code ("Bicycles") regulates use of bicycles within the City including licensing and registration requirements; and

WHEREAS, Sections 4-1.03, 4-1.04, and 4-1.05 of the Emeryville Municipal Code specifically prohibit use of a bicycle within the City without first registering and obtaining a bicycle license, unless the rider is not a City resident and has a valid license and registration from another municipality; and

WHEREAS, in July 2020, the City Council requested that staff bring forward an agenda item to eliminate some or all of the criminal penalties in the EMC; and

WHEREAS, in September 2020, staff presented such an item as part of a City Council study session, and the City Council requested that four EMC chapters be referred to committees for further discussion, including Chapter 1 of Title 4 ("Bicycles"); and

WHEREAS, at its April 19, 2022 meeting, the City Council requested that the City's bicycle license requirements (contained in EMC sections 4-1.03 through 4-1.05) be brought back for Council consideration ahead of the rest of the other provisions; and

WHEREAS, cities have historically required bike registration to assist with the return of stolen bikes located by law enforcement, but free nationwide online databases now exist that allow cyclists to register their bikes, diminishing the need for local registration; and

WHEREAS, there is also evidence that stops involving cyclists by law enforcement disproportionately impact people of color; and

WHEREAS, in May 2021, the Transportation Committee considered the repeal of various EMC sections related to bicycle use, specifically license and registration requirements, and agreed with staff's recommendation that the requirements of sections 4-1.03 through 4-1.05 are no longer enforced in Emeryville and should be repealed and recommended the same to the City Council; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF EMERYVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. PURPOSE AND INTENT

The purpose and intent of this Ordinance is to delete sections 4-1.03, 4-1.04, and 4-1.05 from Chapter 1 of Title 4 of the Emeryville Municipal Code requiring bicycle licenses.

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SECTION TWO. AMENDING CHAPTER 1 OF TITLE 4 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 1 of Title 4 of the Emeryville Municipal Code is hereby amended to read as follows. Deletions are noted in ~~striketrough~~ type; additions are noted in underline type. Provisions not explicitly listed are unchanged:

Sections:

- 4-1.01 Bicycle Defined
- 4-1.02 Rights and Duties of Riders
- 4-1.03 ~~Registration and Licensing: Required~~[Reserved]
- 4-1.04 ~~Registration and Licensing: Exemptions~~[Reserved]
- 4-1.05 ~~Licenses: Applications~~[Reserved]
- 4-1.06 Equipment Requirements
- 4-1.07 Reflectorized Equipment
- 4-1.08 Operation on Roadways
- 4-1.09 Riding on Bicycles: Separate Seats
- 4-1.10 Motorized Bicycles: Restricted Operation
- 4-1.11 Bicycle Lanes: Establishment: Authority
- 4-1.12 Permitted Movements From Bicycle Lanes
- 4-1.13 Motor Vehicles in Bicycle Lanes
- 4-1.14 Bicycle Parking
- 4-1.15 Carrying Articles

4-1.01 Bicycle Defined.

A bicycle is a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having either two (2) or three (3) wheels in a tandem or tricycle arrangement.

4-1.02 Rights and Duties of Riders.

Every person riding a bicycle upon a roadway, street, or paved shoulder shall have all the rights and shall be subject to all the duties applicable to the driver of a vehicle by Divisions 10 and 11 of the Vehicle Code of the State, except those provisions which by their very nature can have no application.

4-1.03 ~~Registration and Licensing: Required.~~

~~It shall be unlawful for any person to operate or use a bicycle in the City which has not been registered and licensed and equipped with license plates as provided in this chapter, except as may be specifically exempted by this chapter.~~

[Reserved]

4-1.04 ~~Registration and Licensing: Exemptions.~~

~~Any nonresident of the City may operate in the City any bicycle which is duly licensed and registered to another municipality, and equipped with license plates, without obtaining a license from the City. [Reserved]~~

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4-1.05 Licenses: Applications.

~~Every person desiring a bicycle license shall make an application to the Chief of Police upon blanks furnished by him. Such application shall be filed in duplicate and shall contain such information as may be required by the Chief of Police as to the applicant and the description of the bicycle licensed. [Reserved]~~

4-1.06 Equipment Requirements.

- (a) No person shall operate a bicycle on a roadway unless the bicycle is equipped with a brake which will enable the operator to make one braked wheel skid on a dry, level, clean pavement.
- (b) No person shall operate on a roadway any bicycle equipped with handlebars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.
- (c) No person shall operate upon a roadway a bicycle which is of such size as to prevent the operator from safely stopping the bicycle, supporting it in an upright position with at least one foot on the ground, and restarting it in a safe manner.
- (d) Every bicycle operated upon a roadway during darkness shall be equipped:
 - (1) With a lamp emitting a white light which illuminates the highway in front of the bicyclist while the bicycle is in motion and which is visible from a distance of three hundred feet (300') in front and from the sides of the bicycle;
 - (2) With a red reflector, of a type approved by the Department of Motor Vehicles of the State, on the rear which shall be visible from a distance of five hundred feet (500') to the rear when directly in front of the lawful upper beams of the headlamps on a motor vehicle;
 - (3) With a white or yellow reflector, of a type approved by the Department of Motor Vehicles of the State, on each pedal visible from the front and rear of the bicycle from a distance of two hundred feet (200'); and
 - (4) With a white and yellow reflector on each side forward of the center of the bicycle, and with a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles which are equipped with reflectorized tires on the front and the rear need not be equipped with such side reflectors.
- (e) A lamp or lamp combination, emitting a white light, attached to the operator and visible from a distance of three hundred feet (300') in front and from the sides of the bicycle, may be used in lieu of the lamp required by paragraph (1) of subsection (d) of this section.

4-1.07 Reflectorized Equipment.

- (a) No person shall sell or offer for sale a reflex reflector or reflectorized tire for use on a bicycle, unless it is of a type approved by the Department of Motor Vehicles of the State.

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(b) No person shall sell or offer for sale a new bicycle that is not equipped with a white or yellow reflector, of a type approved by the Department of Motor Vehicles of the State, on each pedal visible from the front and rear of the bicycle during darkness from a distance of two hundred feet (200'), and with a white or yellow reflector on each side forward of the center of the bicycle, and a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles which are equipped with reflectorized tires on the front and the rear need not be equipped with such side reflectors.

(c) No person shall sell or offer for sale a bicycle unless it is equipped with a red reflector, of a type approved by the Department of Motor Vehicles of the State, on the rear of the bicycle.

(d) Area reflectorizing materials meeting the requirements of Section 25500 of the Vehicle Code of the State may be used on a bicycle.

4-1.08 Operation on Roadways.

(a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time shall ride as close as practicable to the right hand curb or edge of the roadway, except under any of the following situations:

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction;

(2) When preparing for a left turn at an intersection or into a private road or driveway; and

(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right hand curb or edge, subject to the provisions of Section 21656 of the Vehicle Code of the State. For the purposes of this section, "substandard width lane" shall mean a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle upon a roadway which carries traffic in one (1) direction only and has two (2) or more marked traffic lanes may ride as near the left hand curb or edge of such roadway as practicable.

4-1.09 Riding on Bicycles: Separate Seats.

(a) No person operating a bicycle upon a roadway shall ride other than upon or astride a permanent and regular seat attached thereto.

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(b) No operator shall allow a person riding as a passenger, and no person shall ride as a passenger, on a bicycle upon a roadway other than upon or astride a separate seat attached thereto. If the passenger is a minor weighing forty (40) pounds or less, the seat shall have adequate provision for retaining the minor in place and for protecting the minor from the moving parts of the bicycle.

4-1.10 Motorized Bicycles: Restricted Operation.

Notwithstanding the provisions of Sections 21207 and 23127 of the Vehicle Code of the State, Section 5079.7 of the Public Resources Code of the State, or any other provision of law, no motorized bicycle may be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail, unless it is within or adjacent to a roadway or unless the Council, by ordinance, permits such operation.

4-1.11 Bicycle Lanes: Establishment: Authority.

The Council may establish by ordinance bicycle lanes separated from vehicular lanes upon roadways other than State highways as defined in Section 24 of the Streets and Highways Code of the State and County highways established pursuant to Article 5 (commencing with Section 1720) of Chapter 9 of Division 2 of said Streets and Highways Code.

Bicycle lanes established pursuant to this section shall be constructed in compliance with the provisions pertaining to bikeways in Section 2376 of said Streets and Highways Code.

4-1.12 Permitted Movements from Bicycle Lanes.

(a) Whenever a bicycle lane has been established on a roadway pursuant to Section 4-1.11 of this chapter, any person operating a bicycle upon the roadway at a speed less than the normal speed of traffic moving in the same direction shall ride within the bicycle lane, except that such person may move out of the bicycle lane under any of the following situations:

(1) When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane;

(2) When preparing for a left turn at an intersection or into a private road or driveway; and

(3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

(b) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal in the

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manner provided in Chapter 6 of the Vehicle Code of the State in the event any vehicle may be affected by the movement.

4-1.13 Motor Vehicles in Bicycle Lanes.

Whenever a bicycle lane has been established on a roadway pursuant to Section 4-1.11 of this chapter, any person operating a motor vehicle on such roadway shall not drive in the bicycle lane except to park where permitted, to enter or leave the roadway, or to prepare for a turn.

4-1.14 Bicycle Parking.

No person shall leave a bicycle lying on its side on any sidewalk, or in any other position, so that there is not adequate path for pedestrian traffic. The Council, by ordinance, may prohibit bicycle parking in designated areas of a roadway provided appropriate signs are erected.

4-1.15 Carrying Articles.

No person operating a bicycle shall carry any package, bundle, or article which prevents the operator from keeping at least one hand upon the handlebars.

SECTION THREE. CEQA DETERMINATION

The City Council finds that adoption of this Ordinance is not a project as defined by the California Environmental Quality Act ("CEQA") because it is an organizational or administrative activity that will not result in direct or indirect physical changes to the environment pursuant to CEQA Guidelines 15378(b)(5).

SECTION FOUR. SEVERABILITY

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

SECTION FIVE. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 33693.

SECTION SIX. CODIFICATION

Section Two of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Three, Four, Five, and Six shall not be so codified.

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This Ordinance was **INTRODUCED AND FIRST READ** by the City Council of the City of Emeryville at a regular meeting held Tuesday, May 17, 2022, and **PASSED AND ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, June 7, 2022, by the following vote:

AYES:	5	Mayor Bauters, Vice Mayor Medina and Council Members Donahue, Martinez and Welch
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

DocuSigned by:
John Bauters
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MAYOR

ATTEST:

DocuSigned by:
Sheri Hartz
FB7B5D8EAD6A4BE...
CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY ATTORNEY