



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: May 17, 2022

TO: Christine Daniel, City Manager

FROM: John Kennedy, City Attorney
Christie Crowl, Special Counsel

SUBJECT: **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")**

RECOMMENDATION

Staff recommends that the City Council waive first reading and introduce by title only the attached Ordinance Eliminating Bicycle License Requirements in Sections 4-1.03 through 4-1.05 of Title 4 of the Emeryville Municipal Code ("Bicycles").

BACKGROUND

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 City of Emeryville Municipal Code ("EMC"). In September 2020, staff presented such an item as part of a Council study session, and the Council requested that four EMC chapters be referred to committees for further discussion, including Chapter 1 of Title 4 ("Bicycles").¹ Those chapters have been reviewed by the Transportation Committee and are currently undergoing review by the City Attorney's Office before specific provisions are brought back for the Council's consideration.

At the City Council's 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.

DISCUSSION

Vehicle Code section 21206 authorizes cities to regulate bike registration as long as the regulations do not conflict with the Vehicle Code. Cities have historically required bike registration to assist with the return of stolen bikes located by law enforcement. However, free nationwide online databases now exist that allow cyclists to register their bikes,

¹ The other three chapters were: 4-8 ("Vehicles for Hire"), 4-11 ("Electric Personal Assistive Mobility Devices"), and 5-34 ("Signs on Public Sidewalks"). The Council further reviewed specific sections at its December 2020 meeting.

diminishing the need for local registration.² There is also evidence that stops involving cyclists by law enforcement disproportionately impact people of color.³ Given that May is National Bike Month,⁴ the Council requested that staff bring its bicycle license requirement provisions – which make it illegal to ride a bike in the City without a City-issued license – to the Council ahead of other anticipated amendments to the Municipal Code that propose to repeal criminal penalties.

Transportation Committee

The Transportation Committee considered elimination of criminal penalties in the EMC at its May 2021 meeting. The Transportation Committee recommended that the Council repeal various EMC sections related to bicycle use. Specifically, the Transportation Committee agreed with staff's recommendation that the requirements of sections 4-1.03-4-1.05 are no longer enforced in Emeryville and should be repealed. These sections are:

- 4-1.03 ("Registration and Licensing: Required"), which makes it 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."
- 4-1.04 ("Registration and Licensing: Exemptions") which exempts nonresidents with bicycles registered in other municipalities from the license requirement.
- 4-1.05 ("Licenses: Applications"), which requires that bicycle license applications be made to the Chief of Police.

RECOMMENDATION

Staff and the Transportation Committee have reviewed sections 4-1.03 through 4-1.05 of the EMC and recommend that the Council waive first reading and introduce by title only the attached Ordinance Eliminating Bicycle License Requirements in Sections 4-1.03 through 4-1.05 of Title 4 of the Emeryville Municipal Code.

PREPARED BY: John Kennedy, City Attorney

² See, e.g., Project 529, which is headquartered in Emeryville: <https://project529.com/garage>. (Last accessed April 26, 2022.)

³ <https://www.latimes.com/projects/la-county-sheriff-bike-stops-analysis/>. (Last accessed April 26, 2022.)

⁴ <https://bikeleague.org/bikemonth>. (Last accessed April 26, 2022.)

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager

ATTACHMENTS

- Draft Ordinance Eliminating Bicycle License Requirements in Sections 4-1.03 through 4-1.05 of Title 4 of the Emeryville Municipal Code