

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA
AMENDING CHULA VISTA MUNICIPAL CODE
SECTION 10.72 (BICYCLES) TO AMEND OR
DELETE OUTDATED SECTIONS OF THE CODE

WHEREAS, on May 7, 1996, the City adopted Ordinance 2670, a portion of which is codified at Section 10.72 of the Chula Vista Municipal Code; and

WHEREAS, it is desirable to amend the City's bicycle ordinance to accurately reflect the City's procedures relating to regulation of the use bicycles within the City of Chula Vista.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I.

A. Chapter 10, Section 10.72 (Bicycles) is amended to read as follows:

10.72.010 Compliance required – Failure deemed misdemeanor.

It is an infraction for any person to do any act forbidden, or to fail to perform any act required, by CVMC 10.72.020 through 10.72.130 and 10.72.170.

10.72.020 Responsibility of parent or guardian of child.

The parent or guardian of any child shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

10.72.030 Regulations applicable when.

These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

10.72.040 Repealed. License—Required.

~~No person who resides within the city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate is attached thereto as provided herein.~~

10.72.050 Repealed. License—Application—Fee.

~~Application for a bicycle license and license plate or license indicia furnished by the state shall be made upon a form provided by the city and retained by the chief of police and shall be accompanied by the required fee(s).~~

~~Said fees shall be used to defray the cost of administering the bicycle licensing program or to reimburse bicycle dealers for any services which they may provide. In addition, the fees may be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes.~~

10.72.060 RepealedLicense—Records to be kept.

~~The city 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. Records shall be maintained by the licensing agency during the period of validity of the license or upon notification that the bicycle is no longer to be operated. Each bicycle retailer shall supply to each purchaser a record of the following information: name of retailer, address of retailer, year and make of bicycle, and serial number of bicycle.~~

10.72.070 Dealers – Serial numbers – Required.

After December 31, 1974, no bicycle retailer shall sell any new bicycle in this state unless such bicycle has permanently stamped or cast on its frame a serial number unique to the particular bicycle of each manufacturer. Serial numbers shall be stamped or cast in the head of the frame, either side of the seat down-post tube, or the bottom sprocket bracket.

10.72.090 Bicycle dealers – Bicycle sales reports required.

Any person buying, selling or trading used bicycles within the city is required to make a report to the licensing agent within 30 days, giving the name, address and telephone number of all persons either buying, selling or trading used bicycles, and the bicycle manufacturer, type, frame number and bicycle license number, if any.

10.72.100 Repealed. License—Renewal.

~~Licenses must be renewed every three years. Renewal of a bicycle license shall be indicated by a supplementary adhesive device affixed on or near the indicia.~~

10.72.110 Repealed. License plate—Attachment to bicycle frame required.

~~The license plate or indicia shall be firmly attached to the frame of the bicycle for which it is issued, and no person shall remove a license plate from a bicycle during the period for which it is issued, except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in the city.~~

10.72.120 Rental agency requirements.

A rental agency shall not rent or offer any bicycle for rent unless ~~said bicycle is licensed and a license plate is attached thereto as provided herein, and~~ such bicycle is equipped with the lamps and other equipment required in this chapter, or under state law.

10.72.130 Repealed. License—Mechanical inspection prerequisite.

~~The chief of police, or an officer assigned such responsibility, shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition.~~

10.72.140 Compliance with traffic laws required when.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

10.72.150 Obedience to traffic control devices required.

Any person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

10.72.160 Turning movements – Obedience to signs required when.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of any such signs, except where such person dismounts from the bicycle to make such turn, in which event such person shall then obey the regulations applicable to pedestrians.

10.72.170 Tampering with or destroying certain frame numbers prohibited – Exception.

It is unlawful for any person to willfully or maliciously remove, destroy, alter or mutilate the number of any bicycle frame licensed pursuant to this chapter. It shall also be unlawful for any person to remove, destroy, alter or mutilate any license plate, seal or registration pursuant to this chapter; provided, however, that nothing in this chapter shall prohibit the police department from stamping numbers on the

frames of bicycles on which no serial number can be found or on which said number may be illegible or insufficient for identification purposes.

10.72.180 Parking zones – Establishment authority – Use restrictions.

The City Engineer may, by regulation, establish bicycle parking zones in areas adjacent to the curbs, not more than 36 feet in length, as necessary to provide facilities for the temporary parking of bicycles. Whenever a bicycle parking zone is so established, the City Engineer is authorized to place appropriate signs giving notice that parking of other vehicles is prohibited during such hours of such days, and no person shall stop, stand or park any vehicle other than a bicycle in such zone when said signs are in place, contrary to the directions or provisions of such signs.

10.72.190 Operation upon sidewalks.

Persons may operate bicycles upon sidewalks within residential areas; provided, however, no person shall ride a bicycle upon a sidewalk within business districts as described by this code, nor shall any person ride upon any other sidewalk within this city which has been posted by the city engineer with signs prohibiting such riding.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

William Valle
Director of Engineering and
Capital Projects

Glen R. Googins
City Attorney