



Legislation Details (With Text)

**File #:** 18-279      **Version:** 1      **Name:**  
**Type:** Public Hearing Item      **Status:** Agenda Ready  
**File created:** 5/23/2018      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority  
**On agenda:** 8/6/2018      **Final action:** 8/6/2018  
**Title:** SUBJECT: Public Hearing- Amendment to Merced Municipal Code Section 10.44, "Bicycles"

REPORT IN BRIEF

The Bicycle Advisory Commission has recommended the amendment of the Merced Municipal Code Section 10.44, "Bicycles," to modernize the bicycle registration process while continuing to preserve the Police Department's enforcement ability.

RECOMMENDATION

City Council - Adopt a motion introducing Ordinance 2491, an Ordinance of the City Council of the City of Merced, California, amending Section 10.44, "Bicycles," of the Merced Municipal Code.

Sponsors:

Indexes:

Code sections:

**Attachments:** 1. Minutes Excerpt.pdf, 2. BAC Staff Report April 24, 2018.pdf, 3. Proposed Language to revise Merced Municipal Code Chapter 10.44.pdf, 4. Redlined MMC Updated.pdf, 5. Merced Municipal Code Chapter 10.44, current version.pdf, 6. Draft Ordinance revising Merced Municipal Code Chapter 10.44 Updated.pdf

| Date     | Ver. | Action By  | Action              | Result |
|----------|------|--|---------------------|--------|
| 8/6/2018 | 1    | City Council/Public Finance and Economic Development Authority/Parking Authority | approved as amended | Pass   |

Report Prepared by: Michael Hren, AICP, Principal Planner

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The Bicycle Advisory Commission has recommended the amendment of the Merced Municipal Code Section 10.44, "Bicycles," to modernize the bicycle registration process while continuing to preserve the Police Department's enforcement ability.

RECOMMENDATION

**City Council** - Adopt a motion introducing **Ordinance 2491**, an Ordinance of the City Council of the City of Merced, California, amending Section 10.44, "Bicycles," of the Merced Municipal Code.

ALTERNATIVES

1. Approve the recommendation of the Bicycle Advisory Commission as modified per the recommendation of the Police Department; or,
2. Deny the recommendation; or,

3. Approve, subject to modification (identify specific changes to the Ordinance amended in City Council motion); or,
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in City Council motion); or,
5. Continue to a future City Council meeting (date and time to be specified in City Council motion).

## **AUTHORITY**

This request amends Section 10.44 of the Merced Municipal Code (MMC) regarding bicycles.

## **CITY COUNCIL PRIORITIES**

Not applicable.

## **DISCUSSION**

### Background

At the Bicycle Advisory Commission (BAC) meeting of April 25, 2017, the Commission reviewed MMC 10.44, "Bicycles," which outlines the City's bicycle license registration process. The Commission expressed their desire to have the code section updated to reflect modern practices, as well as remove barriers to cycling. Feedback from the League of American Bicyclists on Merced's unsuccessful application for status as a Bronze-level Bicycle Friendly Community included the suggestion to repeal local laws that restrict the right of cyclists to travel. The BAC believes that the local bicycle registration process currently in place in Merced restricts bicyclists' right to travel and proposes the amendment of MMC 10.44, "Bicycles" to eliminate this barrier.

At the BAC meeting of October 24, 2017, a subcommittee was created with the purpose of making recommendations regarding updated language for MMC 10.44, "Bicycles". This subcommittee met with Lt. Struble of the Police Department on January 22, 2018, in order to understand the Police Department's role and needs with relationship to enforcement and bicycle registration. After the meeting, the subcommittee created draft language amending MMC 10.44, "Bicycles," which was recommended by the BAC to the City Council for adoption.

At the BAC meeting of April 24, 2018, the BAC reviewed and Recommended to the City Council the draft language provided at that meeting. The minutes and staff report of that meeting are provided as Attachments 1 and 2. The proposed language for the updated Municipal Code is provided as Attachment 3. A comparison of the new language to the current MMC is provided in redline format as Attachment 4 and the current Municipal Code is provided as Attachment 5.

### Amendment Summary

The proposed amendment removes the \$2 license fee, the annual renewal of license, the requirement that a bicycle be brought to the Police Station for licensing, and the requirement that a license sticker be displayed on all bicycles operated on the public ways in the City of Merced. The amendment includes a requirement that bicycles be registered on a national electronic registry and that some form of proof of this registration be available on the person of a cyclist to be presented upon request. This proof can be in digital or paper format.

### Police Department Recommendations

Lt. Struble of the Merced Police Department had the following suggestions regarding the proposed changes to MMC 10.44, "Bicycles" (underlined text is new).

1. Modify the title of Section 10.44.020 to "**Bicycle Registration**";
2. Modify Section 10.44.040 to read, "The registration issued pursuant to this chapter shall be accessible upon request by law enforcement;
3. Add Section 10.44.110, titled "**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.

Changes 1 and 2 are for clarity purposes. Change 3 is to maintain a section that the police department feels should not be removed from the code. The proposed Ordinance, provided as Attachment 6, includes these recommendations.

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is needed. The proposed amendments would eliminate the City's bicycle registration fees; these fees have not totaled more than \$96 per year in the period from 2009-2017. Additionally, the obligation for the Police Department to assist with license applications, provide stickers, and maintain records would be eliminated by the proposed amendment. This would reduce the amount of staff time and materials required for the administration of the registration program, providing a savings projected to be greater than the total amount of fees collected on an annual basis.

## **ATTACHMENTS**

1. Excerpt from Minutes of Bicycle Advisory Committee Meeting of April 24, 2018
2. Bicycle Advisory Committee Staff Report, April 24, 2018
3. Proposed Language to Revise Merced Municipal Code 10.44
4. Redline Comparison of Changes to Merced Municipal Code 10.44
5. Merced Municipal Code Chapter 10.44, Current Version
6. Draft Ordinance Revising Merced Municipal Code 10.44