

**CITY OF MERCED  
Development Services**

TO: Bicycle Advisory Commission  
FROM: Michael Hren, AICP, Principal Planner  
DATE: April 24, 2018  
SUBJECT: Proposed Update to Merced Municipal Code Chapter 10.44

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**BACKGROUND**

At the Bicycle Advisory Commission (BAC) meeting 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. At the BAC meeting of December 12, 2017, the subcommittee provided the BAC with a draft ordinance update. To resolve potential differences between the proposed revisions and the needs of the Merced Police Department, the subcommittee met with Lt. Struble of the Police Department on January 22, 2018. At the BAC meeting of February 27, 2018, the BAC gave staff direction to move forward with the proposed language for an update to the Merced Municipal Code.

**DISCUSSION**

The proposed revision to Merced Municipal Code Chapter 10.44 is provided as Attachment A. The current, adopted version of Merced Municipal Code Chapter 10.44 is provided for comparison purposes as Attachment B. The proposed language proposes removing the local registration system in favor of utilizing national electronic registries, while continuing to require proof of licensure to allow for the Police Department to continue to utilize registration as an enforcement tool. Specific language related to parking bicycles in such a way that they do not impede passage of pedestrians has also been added. The Draft Ordinance revising Merced Municipal Code Chapter 10.44 is provided as Attachment C.

**ACTION**

The BAC should make a formal recommendation of the proposed revisions and the Ordinance to the Merced City Council. A representative from the BAC should attend the City Council meeting at which the Ordinance will be reviewed to provide an explanation and details.

**ATTACHMENTS**

- A. Proposed language to revise Merced Municipal Code Chapter 10.44
- B. Merced Municipal Code Chapter 10.44, current version.
- C. Draft Ordinance revising Merced Municipal Code Chapter 10.44

## **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 - Registration.**

No person shall operate or use a bicycle upon any public street or highway in the city without first registering the bicycle on a national bicycle registry.

### **10.44.030 - Registration—Operation restricted.**

When registered, bicycle registration shall entitle the owner to operate such bicycle for which the registration 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).*

### **10.44.040 - Registration—Proof.**

The registration issued pursuant to this chapter shall be accessible upon request via printout or mobile device while the bicycle is in operation.

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

### **10.44.050 - 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.

**10.44.060 - 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.

**10.44.070 - 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.

**10.44.080 - 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.

**10.44.090 - Parking**

No person shall park a bicycle upon any public street, sidewalk, bicycle lane, or bicycle path in such a way that it impedes pedestrian traffic.

**10.44.100 - 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 registration provided for in this chapter has been obtained by the person required so to do.

- **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 - 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).

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
AMENDING CHAPTER 10.44, "BICYCLES," OF  
THE MERCED MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS  
FOLLOWS:

**SECTION 1. AMENDMENT TO CODE.** Chapter 10.44, "Bicycles,"  
of the Merced Municipal Code is hereby amended to read as follows:

**"Chapter 10.44  
BICYCLES**

**Section:**

- 10.44.010 Bicycle Defined.**
- 10.44.020 Registration.**
- 10.44.030 Registration – Operation Restricted.**
- 10.44.040 Registration – Proof.**
- 10.44.050 Obedience to Traffic Control Devices.**
- 10.44.060 Speed.**
- 10.44.070 Emerging from Alley or Driveway.**
- 10.44.080 Riding on Sidewalks.**
- 10.44.090 Parking.**
- 10.44.100 Violation – Penalty.**

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**SECTION 2. EFFECTIVE DATE.** This Ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 3. SEVERABILITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 4. PUBLICATION.** The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the \_\_\_\_ day of \_\_\_\_\_, 2018, and was passed and adopted at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2018, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

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Mayor

ATTEST:  
STEVE CARRIGAN, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

 4-18-2018  
\_\_\_\_\_  
City Attorney Date