

ORDINANCE NO. 2899-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF CHAPTER 10.56 (BICYCLES) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE SUNNYVALE MUNICIPAL CODE UPDATING THE CODE RELATED TO BICYCLES

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 10.56.005 ADDED. Section 10.56.005 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby added to read as follows:

10.56.005. California Vehicle Code—Reference. Enforcement of state laws.

The provisions of this Chapter shall supplement all laws of the state of California with regard to bicycle use. The city will enforce the applicable state laws in addition to and to the same extent as its enforcement of the provisions contained within the Sunnyvale Municipal Code.

Enforcement of the Sunnyvale Bicycle Code includes and adopts by reference the following California Vehicle Code provisions pursuant to Vehicle Code Section 21200(a): Division 11 (Section 21000 et seq.), Division 16.7 (Section 39000 et seq.), Division 10 (Section 20000 et seq.), Division 17 (Section 40000.1 et seq.), Division 18 (Section 42000 et seq.), and Division 12, Section 27400.

SECTION 2. SECTION 10.56.010 AMENDED. Section 10.56.010 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.56.010. Definitions.

For the purpose of this chapter, the word “bicycle” shall have the same meaning as that term is defined in the Vehicle Code Section 231 as the same exists or may be amended hereafter. References to the “chief of public safety” means the chief or the chief’s designee.

SECTION 3. SECTION 10.56.020 AMENDED. Section 10.56.020 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.56.020. Bicycle licensing.

Any resident may register for a bicycle license with the City of Sunnyvale. A license sticker will be provided and should be attached to the bicycle, as provided in this chapter.. The term “license sticker” as used in this chapter shall mean the indicia issued from time to time by the Department of Motor Vehicles. The chief of the department of public safety may issue a license as provided in this chapter for a bicycle owned by any resident of the City of Sunnyvale who

applies therefor. The purpose of this section is to promote the safety and education of bicyclists, and to facilitate the return of stolen property to its owner. The absence of a bicycle license is not used as probable cause for random investigation.

SECTION 4. SECTION 10.56.030 AMENDED. Section 10.56.030 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.56.030. License—Issuance—Application—Fee—Record.

The chief of the department of public safety is authorized to issue bicycle licenses upon application therefor being made to the department of public safety and payment of the license fee of three dollars. For each bicycle license renewal or each transfer of license, and each replacement of a bicycle license or bicycle license sticker, the fee shall be as established by resolution of the city council. The chief shall not issue a license for any bicycle when the chief knows, or has reasonable grounds to believe, that the applicant is not the owner of or entitled to the possession of such bicycle. The chief shall keep records in accordance with requirements as set forth in the Vehicle Code Section 39005.

SECTION 5. SECTION 10.56.040 AMENDED. Section 10.56.040 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.56.040. License—Duration.

Each bicycle license issued shall continue in effect until canceled or revoked, but in no event beyond January 1st of the third year following registration beginning January 1, 1979, at which time the license shall be renewed for time periods as set forth in the Vehicle Code Section 39001(c).

SECTION 6. SECTION 10.56.050 AMENDED. Section 10.56.050 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.56.050. License sticker—Issuance—Attachment to bicycle.

Upon issuance of a bicycle license, the chief of the department of public safety or his designee shall also issue a license sticker bearing the license number assigned to the bicycle. The chief shall cause such license sticker to be firmly attached to the seat tube of the bicycle to which issued, in such a position as to be plainly visible from the front.

SECTION 7. SECTION 10.56.090 AMENDED. Section 10.56.090 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.56.090. Serial number—bicycle frame.

Nothing in this chapter shall prohibit the department of public safety 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.

SECTION 8. SECTION 10.56.100 DELETED. Section 10.56.100 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 9. SECTION 10.56.110 AMENDED. Section 10.56.110 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended as follows:

10.56.110. Rental bicycle—Licensing.

Every person engaged in the business of renting bicycles may elect to obtain a license sticker for bicycles that are rented or offered. All bicycles that are rented or offered for rent shall be equipped as required in this chapter.

SECTION 10. SECTION 10.56.130 AMENDED. Section 10.56.130 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended as follows:

10.56.130. Equipment.

On other than a public highway, which is regulated by California Vehicle Section 21201, every bicycle operated or used in the City of Sunnyvale shall be equipped with the items of equipment specified in the Vehicle Code Section 21201.

SECTION 11. SECTION 10.56.160 DELETED. Section 10.56.160 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 12. SECTION 10.56.170 AMENDED. Section 10.56.170 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.56.170. Stunt riding prohibited.

It is unlawful for any person riding or operating a bicycle to perform or attempt to perform any acrobatic or stunt riding upon any public sidewalk, pedestrian facility, or bicycle facility that is not part of a street or highway. Stunt riding shall be defined as activity falling within Vehicle Code sections 21203, 21204, 21205, and 23103. This section is not meant to prohibit stunt riding as part of officially sanctioned events, or places clearly posting stunt riding as appropriate.

SECTION 13. SECTION 10.56.180 DELETED. Section 10.56.160 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 14. SECTION 10.56.200 AMENDED. Section 10.56.200 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.56.200. Towing, pulling or pushing persons or objects.

It is unlawful for any person operating a bicycle on a pedestrian facility, bicycle facility that is not part of a street or highway, or public sidewalk to tow or pull any person or object from the rear thereof, or push or propel any person or object in front of the bicycle, except with attachments specifically designed for this purpose.

SECTION 15. SECTIONS 10.56.210 and 10.56.220 DELETED. Section 10.56.210 and Section 10.56.220 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code are hereby deleted.

SECTION 16. SECTION 10.56.240 DELETED. Section 10.56.240 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 17. SECTION 10.56.260 AMENDED. Section 10.56.260 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.56.260. Bicycle lanes, routes, and bikeways established.

The city council by resolution or motion may establish bicycle lanes and routes along designated streets or portions of streets. The city council by resolution or motion may establish bicycle paths in the interest of providing transportation, recreation and developing open space programs. The city council by resolution or motion may establish bikeways as defined in the Streets and Highways Code as the same exist or may be amended hereafter.

SECTION 18. SECTION 10.56.280 DELETED. Section 10.56.280 of Chapter 10.56 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 19. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a 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 passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 20. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

SECTION 21. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 22. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in *The Sun*, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on June 2, 2009, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

Date of Attestation: _____
SEAL

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney