

**Council Meeting: September 11, 2012****SUBJECT: Introduction of an Ordinance to Amend Certain Sections of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code Pertaining to Bicycle Licensing****BACKGROUND**

The California Vehicle Code, Sec. No. 39000-39011, states that a city or county may adopt an ordinance for the registration and collection of fees pertaining to bicycle licensing. The California Vehicle Code further states that if a city or county chooses to enact an ordinance, then specific licensing and program requirements must be met, such as license durations, database maintenance and fee structure.

The City of Sunnyvale has had such an ordinance since 1961 (Municipal Code, Title 10, Sections 10.56.020 through 10.56.120). Currently, a bicycle owner in the City of Sunnyvale may license a bike through the Department of Public Safety (DPS) for a three-dollar fee. This license is valid for a three year period. The information collected from the license, such as the owner's name and address, is stored in an internal database that is searchable only within DPS.

At the September 2011 Bicycle Pedestrian Advisory Committee (BPAC) monthly meeting, committee members discussed the use of the National Bicycle Registry (NBR). DPS researched the feasibility of the use of NBR to provide licensing services and manage the data collected from each license application. Staff believes that this service will provide community members with a level of licensing service far beyond what DPS can currently provide. NBR, a web-based service, will provide bicycle owners in the City of Sunnyvale with a more convenient method to license their bicycle(s), thus potentially increasing the number of licensed bicycles in the community, and enhancing bicycle safety and theft prevention.

EXISTING POLICY

Policy 4.1.1 Law Enforcement — Goals and Policies

Goal 4.1A Provide a safe and secure environment for people and property in the community

DISCUSSION

Currently, the Santa Clara County cities of Campbell, Los Altos, Morgan Hill, Milpitas, Mountain View, San Jose and Santa Clara use the NBR service. The

Santa Clara County Sheriff's Office provides the NBR service to unincorporated communities and contract cities in the county.

In order for DPS to provide this enhanced service to our community, the current bicycle licensing ordinance must be repealed. Although bicycle owners are not required to obtain a bicycle license, and still would not be under the NBR initiative, DPS is required to comply with all provisions of the California Vehicle Code (sec. 39000 – 39011) as long as Sunnyvale Municipal Code (SMC) Sections 10.56.020 – 10.56.110 are in place. By repealing these SMC sections, Council will allow DPS to direct interested bicycle owners to NBR for licensing and other information. NBR will provide to the City, free of charge, community outreach material designed to enhance bicycle safety awareness and the importance of bicycle licensing, as well as access to a national data base of licensed bicycles that is searchable by any law enforcement agency.

DPS licensed only 33 bicycles during calendar year 2011. The three-dollar DPS fee for each bicycle license falls far short of the revenue needed to recover the costs of staff time required to issue and process each license. The fee also cannot support the printing and distribution of anti-theft and safety awareness information that can be provided by NBR. NBR's current licensing fee is ten dollars for a ten year period.

FISCAL IMPACT

No significant impact

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. Introduce an ordinance repealing SMC sections 10.56.020 thru 10.56.110.
2. Direct DPS to continue to manage the bicycle licensing program under the current format and take no action with regards to the SMC.

RECOMMENDATION

DPS recommends Council select Alternative No. 1: Introduce the attached draft Ordinance to Amend Certain Sections of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code Pertaining to Bicycle Licensing.

Reviewed by:

Frank J. Grgurina, Director, Public Safety
Prepared by: Doug Moretto, Captain

Michael Martello, Interim City Attorney

Approved by:

Gary M. Luebbers
City Manager

Attachment A: Draft Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE TO AMEND CHAPTER 10.56 OF TITLE 10
(VEHICLES AND TRAFFIC) OF THE SUNNYVALE MUNICIPAL
CODE RELATED TO BICYCLE LICENSING**

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

SECTION 1. CHAPTER 10.56 AMENDED. Chapter 10.56 (Bicycles) of Title 10
(Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to repeal Section
10.56.020 through Section 10.56.110 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.~~

~~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.~~

~~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).~~

~~10.56.050. — License sticker Issuance Attachment to bicycle.~~

~~Upon issuance of a bicycle license, the chief of the department of public safety or 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.~~

~~10.56.060. — License Bicycle inspection prerequisite.~~

~~—The chief of the department of public safety shall inspect each bicycle before licensing it and shall refuse to issue a license for any bicycle determined to be in an unsafe mechanical condition.~~

~~**10.56.080. License Procedure upon ownership transfer.**~~

~~—Upon the sale or other transfer of ownership of a licensed bicycle, the licensee shall notify the chief of the department of public safety of such sale or other transfer and shall provide the name, address, and telephone number of the person to whom the bicycle was sold or transferred. The licensee shall endorse the foregoing information upon the license previously issued for such bicycle along with the date of transfer and signature of the licensee. The license, so endorsed, shall be delivered to the chief of the department of public safety within ten days after the sale or transfer. The purchaser or transferee of the bicycle shall apply for a renewal or transfer of the license within ten days after the date of the sale or other transfer of ownership.~~

~~**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.~~

~~**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 2. EXEMPTION FROM CEQA. 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.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions 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 4. EFFECTIVE DATE. This ordinance shall be in full force and effect 30 days from and after the date of its adoption.

SECTION 5. 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 15 days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2012, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk

Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM AND LEGALITY:

Michael D. Martello, Interim City Attorney