



**CITY OF EUREKA
TRAFFIC/ENGINEERING DIVISION**

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MEMORANDUM

To: Charles Roecklein, City Engineer

From: Sheila Parrott, Project Manager

Subject: Proposed Bicycle Operation Ordinance, Chapter 130

Date: February 3, 2015

The Transportation Safety Commission's subcommittee has met and discussed the current version of the proposed bicycle ordinance, attached, and has the following concerns:

- The inclusion of the California Vehicle Code sections in a manner that is believed to be inconsistent with CVC section 21.
- Unequal treatment of bicyclists compared to motorists where the vehicle code should apply to each in the same manner.

BILL NO. ____-C.S.

ORDINANCE NO. ____-C.S.

**AN ORDINANCE OF THE CITY OF EUREKA ADDING SECTION 130.20 TO TITLE XIII
CHAPTER 130 – BICYCLE OPERATION**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1. Findings

WHEREAS, the City is receiving an increasing number of complaints from motorists and pedestrians about bicyclists failing to obey traffic signs and signals; and

WHEREAS, pedestrians are increasingly complaining of bikes passing them on sidewalks – often unannounced – from behind in commercial districts of the City; and

WHEREAS, the failure to obey the law by certain bicyclists is causing an increase in vehicle, bicycle and pedestrian collisions within the City; and

WHEREAS, the use of bicycles in connection with illegal activities is also increasing within the City; and

WHEREAS, the City Council of Eureka wishes to provide safe, convenient, and comfortable routes for pedestrians and bicyclists alike through the enactment of this ordinance.

Section 2.

The following chapter is added to Title XIII:

CHAPTER 130.20 TITLE BICYCLE OPERATION

§130.20 BICYCLE OPERATION.

(A) *Effect of Chapter.*

Every person riding or operating a bicycle upon any street or other public place shall be subject to all the provisions of this chapter and the laws of the state applicable to the drivers of vehicles, except those provisions which by their very nature can have no application.

(B) *Parent responsibility of Minors.*

No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this chapter.

(C) *Bicycle Operation Rules.*

(1) A person propelling a bicycle shall not ride other than with his feet on the pedals and facing the front of the bicycle.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(3) No person operating a bicycle shall carry any package, bundle, article, animal (such as a dog or cat) or a minor child which prevents the rider from keeping at least one hand upon the handle bars and in full control of such bicycle

(4) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(5) A person shall not leave a bicycle, except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. No person shall park any bicycle against windows or parking meters. A person shall not leave a bicycle in violation of the provisions of this chapter relating to the parking of motor vehicles.

(D) *Riding on Sidewalks.*

(1) It shall be unlawful to ride a bicycle on the sidewalk anywhere within the City of Eureka. This section shall not apply:

(a) When law enforcement makes a determination that it is unsafe to operate a bicycle in the roadway. The operator must return to the roadway once law enforcement makes a determination that the safety issue no longer exists;

(b) When the operator of the bicycle is fourteen (14) years or younger. Any adult accompanying the minor(s) is (are) also exempt; and

(c) When a law enforcement officer or local agency directs bicycle traffic onto a sidewalk.

(2) Skateboarding, rollerblading, skating and scooters are permissible only in residential neighborhoods when pedestrians are not present within the immediate area. This section shall not apply when adults are present for the purpose of supervising minors.

(E) *Riding on Streets and Bicycle Paths.*

(1) Every person operating a bicycle upon a street, road, highway or other public way shall ride as near to the right-hand side of the street, road, highway or other public way as practicable, exercising due care when passing a pedestrian or a standing vehicle or one proceeding in the same direction.

(2) Persons riding bicycles upon a street, road, highway or other public way shall not ride more than two abreast.

(3) It shall be unlawful to ride a bicycle the wrong way on a one-way street, road, highway or other public way or in a manner that is likely to cause injury to a pedestrian.

(4) No person riding or operating a bicycle shall perform or attempt to perform any acrobatic, fancy or stunt riding upon any public place in the City.

(5) The operator of a bicycle, on leaving a driveway or alley when the operator's view of either the sidewalk or street area is obstructed, shall stop such bicycle or motorized immediately prior to riding upon or across such sidewalk or street area.

(F) *Equipment Requirement for Rental Agencies.*

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is equipped with all equipment required by the Motor Vehicle Laws of California and this chapter.

(G) *Impounding of Bicycles.*

(1) No person shall leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

(2) A bicycle left on public property for a period in excess of 24 hours may be impounded by the Eureka Police Department (EPD).

(3) In addition to any citation issued, a bicycle parked in violation of this Chapter may be immediately impounded by EPD.

(4) If a bicycle impounded under this chapter is licensed, or other means of determining its ownership exist, EPD shall make reasonable efforts to notify the owner. No impounding fee shall be charged to the owner of a stolen bicycle which has been impounded.

(5) A bicycle impounded under this chapter which remains unclaimed shall be disposed of in accordance with EPD's procedures for disposal of abandoned or lost personal property.

(6) Except as provided in subsection D of this section, a fee of \$10/day shall be charged to the owner of a bicycle impounded under this section.

(7) Bicycles which are required to be licensed, pursuant to this chapter, shall not be released from impoundment until such license is first obtained by the owner of the bicycle or his representative.

(8) A bicycle may be impounded at the discretion of EPD if the operator has been cited more than once by EPD for violation of this chapter.

(H) Permits.

A permit may be issued by the City Manager that allows a bicyclist to operate on the sidewalk area as set out in subsection D "Riding on Sidewalks." Permits shall only be issued to:

(1) Businesses that require bicycles to operate on sidewalks and such operation of a bicyclist is a necessary part of the business operation. A business must be that as defined by the Eureka Municipal Code. Or

(2) School functions or activities that are organized and sanctioned by Eureka City Schools.

A permit is hereby authorized and the fees for the cost of such permit may be set by resolution.

(K) Penalty.

Any person, after having been informed by law enforcement that the conduct violates this section and given an opportunity to stop the conduct, shall be charged with an infraction for the first violation, subject to either a fine or community service. Subsequent violations shall be charged as an infraction or misdemeanor at the discretion of the City Attorney. (See Section 10.99) Each violation shall constitute a separate charge.

(L) Severability.

The provision of this section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this section, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this section, or the validity of its application to other person or circumstances.

(M) Non-exclusivity.

Nothing in this section shall limit or preclude the enforcement of other applicable laws.

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PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2015 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

Melinda Ciarabellini, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2015, and hereby approved.

Frank J. Jäger, Mayor

Approved as to Administration:

Approved as to form:

Greg L. Sparks, City Manager

Cyndy Day-Wilson, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2015.

Pamela J. Powell, City Clerk