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AGENDA REPORT

TO: Members of the City Council

FROM: Council President Lynette
Gibson McElhane

SUBJECT: Removing Outdated Bicycle
Registration Requirement

DATE: 11/3/16

RECOMMENDATION

Council President Lynette Gibson McElhane recommends that the City Council adopt an ordinance amending Oakland Municipal Code Chapter 12.60 Bicycles to remove the bicycle registration requirement.

EXECUTIVE SUMMARY

Oakland Municipal Code (OMC) Chapter 12.60 'Bicycles' currently requires that all bicyclists obtain a California bicycle license through the Oakland Police Department (OPD) or be subject to a \$10 fine. This requirement dates from a time before free and effective registries were available online. This ordinance removes the requirement for residents to register with the City to ensure that no residents are unnecessarily fined for this outdated mandate.

BACKGROUND / LEGISLATIVE HISTORY

Chapter 12.60 of the Oakland Municipal Code governs the registration of bicycles in the City of Oakland. Currently, the Code requires that all persons in the City of Oakland obtain a California bicycle license and registration card from the Chief of Police prior to operating a bicycle. Violation of the bicycle registration requirements may be subject to a \$10.00 fine.

The Bicyclist & Pedestrian Advisory Commission unanimously recommended at their June 16th, 2016 meeting to remove the registration requirement and for the City to instead recommend and publicize free registration services.

ANALYSIS AND POLICY ALTERNATIVES

Registering bicycles is an important step to deter thefts. Police departments often recover stolen bicycles but are unable to return them without access to databases of owners' contact information and serial number registration. Bicycle registries allow police departments to better track and understand thefts in the hopes of apprehending suspects.

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The current ordinance contains outdated requirements from an era before free bicycle registries were available online. These universal registries are more efficient and effective since bicycle thefts don't necessarily stay within a single jurisdiction.

Removal of the registration requirement ensures that no residents are capriciously fined for not having an unnecessary registration. Instead, the City should encourage residents to use the easily accessible and free on-line registries. Additionally, this ordinance removes outdated portions of the code that have been superseded by other sections of the Oakland Municipal Code or State law such as the prohibition of destroying registration numbers or required reporting of dealers to the City.

FISCAL IMPACT

There may be some fiscal impact from removing the need for OPD staff to manage the licensing and registration system as well as the loss of revenue from the small number of bicycle registrations. Please see OPD's supplemental report on this item for a more complete accounting of the fiscal impact.

COORDINATION

Council President McElhaney's office consulted with OPD and the Office of the City Attorney in the development of this report and ordinance amendment.

ACTION REQUESTED OF THE CITY COUNCIL

Adopt an ordinance amending Oakland Municipal Code Chapter 12.60 Bicycles to remove the bicycle registration requirement.

For questions regarding this report, please contact Alex Marqusee, Legislative Analyst, at 510-238-7031.

Respectfully submitted,



Council President Lynette Gibson McElhaney

Prepared by:
Alex Marqusee, Legislative Analyst
Office of Council President McElhaney

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Armadis Solt
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 12.60 TO REPEAL THE CITY'S REQUIREMENTS ON BICYCLE REGISTRATION AND LICENSING, THE REPORTING OF BICYCLE OWNERSHIP TRANSFERS AND SALES, AND THE PROHIBITION ON DESTROYING BICYCLE NUMBERS OR LICENSES

WHEREAS, the City of Oakland (City) currently requires that citizens must register and license their bicycle with the Oakland Police Department (OPD) and must also report the transfer of ownership or sale of a bicycle to OPD; and

WHEREAS, the City also currently prohibits the malicious removal, destruction, mutilation, or alteration of any bicycle frame number licensed with the City; and

WHEREAS, the City also currently may fine any person ten dollars who violates the provisions noted above; and

WHEREAS, the City has determined that an average of 118 cyclists, or less than two percent of the more than 7,000 estimated cyclists who commute to work each day, register their bikes with the Oakland Police Department; and

WHEREAS, the City of Oakland has determined that the current three dollar (\$3) license and registration fee is detrimental to citizen willingness to register their bicycle, resulting in fewer registered bicycles; and

WHEREAS, there are many free national registration databases for citizens that can be used by citizens and the Oakland Police Department to track down stolen bikes that may be more effective than the current system administered by OPD; and

WHEREAS, directing City resources towards encouraging the use of free online bike registries as opposed to mandated registry with OPD may lead to

greater participation in bike registries overall and an increased ability to recover stolen bikes; and

WHEREAS, on June 16, 2016, Oakland's Bicycle and Pedestrian Advisory Committee endorsed removing the bicycle registration and licensing requirements; and

WHEREAS, since California Vehicle Code Section 39002 already prohibits the willful or malicious removal, destruction, mutilation or alteration of any bicycle frame number or license it is not necessary to have a local prohibition on the same conduct.

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

SECTION 1. Oakland Municipal Code Chapter 12.60, Bicycles, is hereby amended to add (underscored) and delete (~~strikethrough~~) provisions as follows:

Chapter 12.60 - BICYCLES

~~12.60.010 - Bicycle license required.~~

~~It is unlawful for any person to operate or use a bicycle, as defined in Section 39000 of the California Vehicle Code, upon any street in the city of Oakland without first obtaining a California Bicycle License therefor.~~

~~(Prior code § 3-12.01)~~

~~12.60.020 - Bicycle license - Issuance.~~

~~The Chief of Police is authorized and directed to issue a registration card and a California bicycle license which, when issued, shall entitle the licensee to operate such bicycle for which said license has been issued, upon all streets, exclusive of sidewalks, in the city for the calendar year or portion thereof for which said license is issued.~~

~~(Prior code § 3-12.02)~~

~~12.60.030 - Bicycle license plates and registration cards - Loss.~~

~~It shall be the duty of the Chief of Police to cause to be attached to the frame of each bicycle a California bicycle license, and to issue a registration card to the licensee upon payment of the license fee provided for in this chapter. Upon loss or mutilation of a license, the licensee shall report said loss within seven days. Upon receipt of such report, the Chief of Police shall cancel such license and issue a new license.~~

~~(Prior code § 3-12.03)~~

12.60.040010 - Bicycle and bicycle parts business reports.

All persons engaged in the business of buying secondhand bicycles or secondhand bicycle parts are hereby required to make a daily report to the Chief of Police, giving the name and address of the person from whom each bicycle or bicycle part is purchased, the description of each bicycle or bicycle part purchased, the frame number or numbers of each bicycle purchased and the number of license found thereon, if any. All persons engaged in the business of selling new or secondhand bicycles or new or secondhand bicycle parts are required to make a daily report to the Chief of Police, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle or bicycle part sold, together with a description thereof and frame number or numbers of each bicycle and the number of the license attached thereto, if any. Junk collectors and junk dealers, as defined in Chapter 5.04 of this code and secondhand dealers and exchange dealers as defined in Chapter 5.46 are required to make daily reports, as in this section provided, for any transaction involving secondhand bicycles or secondhand bicycle parts.

(Prior code § 3-12.04)

~~12.60.050 - Bicycle licensee's report of sale, transfer of registration, or change of address.~~

~~It shall be the duty of every person who sells or transfers ownership of any bicycle licensed hereunder to report such sale or transfer by returning to the Chief of Police the registration card issued to such person as licensee thereof, together with the name and address of the person to whom said bicycle is sold or transferred, and such report shall be made within ten days of the date of said sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration thereof within ten days of the date of said sale or transfer.~~

~~Whenever the owner of a bicycle licensed pursuant to this code changes his or her address, he or she shall within ten days notify the Chief of Police of the old and new address.~~

(Prior code § 3-12.05)

~~12.60.060 - Destroying bicycle numbers or licenses.~~

~~It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to the provisions of this chapter. It is also unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which said license plate, seal or registration card is operated; provided, however, that 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 said number is illegible or insufficient for identification purposes.~~

~~(Prior code § 3-12.06)~~

12.60.0720 - Bicycle operation rules—Violation—Penalty.

It is unlawful to operate a bicycle on any trail within the city in an unsafe, reckless, dangerous or negligent manner. No person shall operate a bicycle in excess of fifteen (15) miles per hour, nor in excess of five miles per hour when passing pedestrians or equestrians or when approaching and negotiating a blind turn, nor at a greater speed than is reasonable or prudent. Within city parks, bicyclists can ride on named trails only and are prohibited from operating bicycles off-trail. Bicyclists must obey all posted signs and rules. Bicyclists must call out when passing pedestrians, or other bicyclists and then must pass to the left. Bicyclists must yield to equestrians by calling out and requesting instructions to pass. The City Manager, or his or her designees, shall determine trail accessibility for bicyclists. Any person who violates this section shall be guilty of an infraction punishable as provided in Chapter 1.28 of this code.

(Prior code § 6-3.34)

12.60.0830 - Violation of Sections 12.60.010 through 12.60.0620—Fine.

Any person who violates or fails to comply with the provisions of Sections 12.60.010 through 12.60.0620 shall be subject to a fine of not more than ten dollars

(Ord. 11940 § 1, 1996: prior code § 3-12.011)

SECTION 2. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3. Effective Date.

This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Date of Attestation: _____

OFFICE OF THE CLERK
CITY OF OAKLAND

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NOTICE AND DIGEST

ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 12.60 TO REPEAL THE CITY'S REQUIREMENTS ON BICYCLE REGISTRATION AND LICENSING, THE REPORTING OF BICYCLE OWNERSHIP TRANSERS AND SALES, AND THE PROHIBITION ON DESROYING BICYCLE NUMBERS OR LICENSES

This ordinance repeals provisions of the Oakland Municipal Code that require the registration and licensing of bicycles, the reporting of bicycle ownership transfers and sales, and prohibiting the destruction of bicycle numbers or licenses.