



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1008

Meeting Date: 2/7/2023

TITLE:

REPEAL OF THE ORDINANCES UNDER CHAPTER I (BICYCLES AND MOTORIZED BICYCLE LICENSING) TO TITLE 4 (BICYCLES) OF THE COSTA MESA MUNICIPAL CODE

DEPARTMENT: POLICE DEPARTMENT

PRESENTED BY: BRYAN WADKINS, ACTING CAPTAIN

CONTACT INFORMATION: BRYAN WADKINS, ACTING CAPTAIN, (714) 754-5354

SUMMARY:

The City of Costa Mesa Municipal Code (CMMC) currently has several provisions that require bicycles to be registered and licensed, and outlines penalties associated with non-compliance. The State of California recently passed a new law, Assembly Bill 1909 the Bicycle Omnibus Bill, that prohibits a jurisdiction from requiring any bicycle operated within its jurisdiction to be licensed. This Ordinance repeals Chapter I (Bicycle and Motorized Bicycle Licensing) to Title 4 (Bicycles) in order to comply with the new law.

RECOMMENDATION:

Staff recommends that the City Council introduce for first reading the attached Ordinance No. 2023-xx to repeal Chapter I (Bicycles and Motorized Bicycle Licensing) to Title 4 (Bicycles) of the Costa Mesa Municipal Code to comply with current California law.

BACKGROUND:

The current ordinance related to bicycle licensing was enacted in 1977 with the intent of preventing bicycle theft and assisting in the recovery and return of stolen bicycles. This chapter of the Municipal Code comprises the following sections:

- **4-1 Adoption of state act**
- **4-2 Definitions**
- **4-3 Bicycle license required**
 - Requires all bicycles operated in city be registered and have a city issued license sticker affixed.
- **4-4 Bicycle registration card; bicycle license plate issuance**
 - Defines process of registration and license issuance.

- **4-5 Sale or transfer of bicycle**
 - Requires the sale or transfer of a bicycle be documented and reported to city within 10-days.
- **4-6 Change of address, bicycle license**
 - Requires the owner of a registered/licensed bicycle to report a change of address within 10-days.
- **4-7 Lost or stolen bicycle registration card or bicycle license plate; report; replacement**
 - Requires the owner of a registered/licensed bicycle to report a lost or stolen registration card or license within 10-days.
- **4-8 Tampering with license receipt, bicycle plate prohibited**
 - It is unlawful to tamper with, destroy, mutilate or alter a bicycle license or registration card.
- **4-9 Bicycle retailer; weekly bicycle sales reports required**
 - Requires business who sell bicycles to report the name, address and telephone number of persons who have purchased a bicycle weekly. Businesses must also report the manufacture, model, type, color and serial number of the bicycle purchased.
- **4-10 Bicycles in violation of chapter; impounding, fee**
 - Allows for unregistered or unlicensed bicycles to be impounded and after 90-days be sold at auction.
- **4-11 Violation; penalty**
 - Defines the penalty of the chapter as an infraction and punishable by a fine not to exceed five dollars (\$5) for each offense.
- **4-12 Enforcement**
 - Provides the police department the authority to enforce the ordinances.

Staff is recommending to repeal the current ordinance set out in Chapter I (Bicycles and Motorized Bicycle Licensing) to Title 4 (Bicycles) of the Costa Mesa Municipal Code to be consistent and comply with current California law.

ANALYSIS:

The public's compliance with the bicycle registration and licensing ordinances has been minimal for many years. Therefore, the intent of the bicycle licensing Chapter to deter bicycle theft and reunify victims with their stolen property has not been as successful as intended. Businesses that sell bicycles are also unaware of the ordinance requiring them to report weekly sales and are not in compliance with the ordinance.

The Police Department has made efforts to encourage bicycle registration and licensing during bicycle rodeos and other public events, with the objective of helping recover stolen bicycles. Licensing is also offered at the front desk of the Police Department. However, these efforts have not generated widespread usage.

- Bicycles registered/licensed by year:
 - 2020: 85
 - 2021: 198
 - 2022: 110

The Police Department has conducted limited enforcement efforts related to this ordinance based upon the concerns listed above.

- Citations issued under these ordinances by year:
 - 2020: 42
 - 2021: 64
 - 2022: 3

Unrelated to the ordinance, the Police Department has recently sought new methods, community education/outreach and technology to offer our community voluntary options to assist with the prevention and recovery of stolen bicycles. The Police Department will soon offer a new program this year (Project 529), which is an app-based program allowing bicycle owners to voluntarily register their bicycles online if they so choose. If a bicycle is stolen or found, users can use the app to search for their bicycle, notify other users, or notify the police. This free, voluntary program has been well received by bicycle owners nationwide and creates a community forum to voluntarily share and search stolen bicycle information. While Project 529 is not a police database, the Police Department will check the Project 529 app when receiving bicycles into our local evidence/storage in an effort to help locate and recover bicycles that a resident self-reported as stolen or missing into the Project 529 app.

The Police Department will also offer “529 Shields” to owners who voluntarily register their bicycle with Project 529 and who would like to display them on their bicycle. Shields are stickers affixed to a bicycle, notifying potential thieves that the bicycle is registered with Project 529 to serve as a possible deterrent of theft.

It is the Police Department’s hope that through promotion of this new program and ease of access and use of the app, bicycle owners will be motivated to voluntarily register their bicycles. Use of this program and registration of bicycles is completely voluntary and intended to help with bicycle recovery only; the Police Department would not use Project 529 for any enforcement action whatsoever, and a bicycle voluntarily entered into the Project 529 app and later reported by the owner as stolen or lost within the app would not create grounds for the Police Department to take any enforcement action without other independent verification from the owner. Currently, Huntington

Beach and Newport Beach also participate in this program.

In September 2022, the Governor of the State of California signed into law Assembly Bill 1909, known as the Bicycle Omnibus Bill. One of the provisions of the law states the following:

- “Existing law authorizes a local authority to adopt a bicycle licensing ordinance or resolution, as specified. Existing law authorizes a local authority that has adopted a bicycle licensing ordinance or resolution to prohibit a resident of that jurisdiction to operate a bicycle in a public place within the jurisdiction unless the bicycle is licensed. This bill would instead prohibit a jurisdiction from requiring any bicycle operated within its jurisdiction to be licensed.”

Based upon this new law, the ordinance codified in Chapter I of Title 4 of the Costa Mesa Municipal Code is no longer lawful. Repeal of this Chapter is required to bring the city into compliance with current state law.

ALTERNATIVES:

City Council could elect to not repeal the ordinance; however, the city would no longer be able to enforce compliance of the ordinances as it would conflict with state law.

FISCAL REVIEW:

There is no appreciable fiscal impact to repealing Title 4 (Bicycles), Chapter 1 (Bicycles and Motorized Bicycle Licensing) of the Costa Mesa Municipal Code.

LEGAL REVIEW:

The City Attorney’s Office has reviewed this report and approved it as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the City Council Goal:

- Strengthen the public’s safety and improve the quality of life

CONCLUSION:

Staff recommends that the City Council:

Introduce for first reading the attached Ordinance No. 2023-xx to repeal Chapter I (Bicycles and Motorized Bicycle Licensing) to Title 4 (Bicycles) of the Costa Mesa Municipal Code to comply with current California law.