

ORDINANCE NO. 2021 – 2493

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AMENDING CHAPTER 11.52 (BICYCLES) OF THE NATIONAL CITY MUNICIPAL CODE

WHEREAS, the City of National City (the "City"), pursuant to the police powers delegated to it by the California Constitution, has the authority to enact or amend laws which promote the public health, safety, and general welfare of its residents; and

WHEREAS, bicycle registration and licensing has been proven to be less efficient than the use of serial numbers for the purposes of theft deterrence, no bicycle licenses have been issued since the mid-1990s, and the penalties for violations in the Chapter 11.52 are onerous, ranging from misdemeanor to impounding a bicycle; and

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. All protests, if any, against said amendment to the Municipal Code and each of them be and hereby are denied and overruled.

Section 2. Chapter 11.52 (Bicycles) is hereby modified to read as follows:

Chapter 11.52 - BICYCLES

Sections:

11.52.010 - Bicycle defined.

A "bicycle" is any device upon which a person may ride, which is propelled by human power through the assistance of belts, chains or gears and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches.

11.52.020 - Traffic regulations.

- A. It is unlawful for any person to ride a bicycle upon a sidewalk within any business or residence district of the city, with the exception herein stated.

- B. The council may, by resolution duly adopted, authorize the riding of bicycles on the sidewalks of such residential districts or area with such limitations as to hours and specific purposes as they may deem proper.
- C. It is an infraction for any person to violate any of the terms or provisions of this chapter or to use a bicycle in and upon any street, alley, park or other public place in this city, or upon any path or lane set aside for the exclusive use of bicycles within this city, without complying in all respects with the terms and provisions of this chapter.
- D. It is an infraction for any parent or guardian of any child or of anyone who has the custody or control of any child in this city to knowingly permit such child to use a bicycle in this city in violation of the terms and provisions of this chapter.

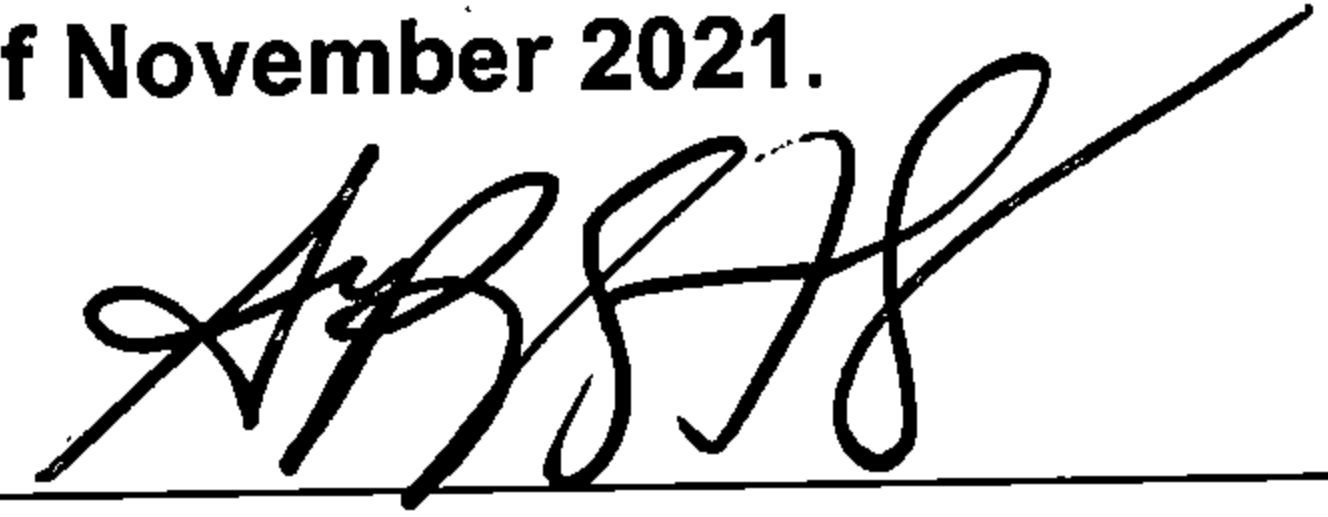
11.52.030 - Violation—Penalties.

- A. Every person convicted of a violation of any provisions of this chapter is guilty of an infraction and is punishable as prescribed in Section 1.20 or by impounding the bicycle of the person convicted for a period not to exceed thirty days, or by any or all said penalties or any combination thereof.
- B. The Chief of Police shall also have authority, in the event that any juvenile or person under the age of twenty-one years is found violating any provision of this chapter to take and impound the bicycle of such juvenile or minor so found violating such chapter, and to hold the same for a period not to exceed thirty days, during which said time the Chief of Police shall notify the parents or guardian or other person having the custody and control of said juvenile or minor of such offense.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any 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 adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 4. This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the City Council voting for and against the same in the Star News, a newspaper of general circulation published in the County of San Diego, California.

PASSED and ADOPTED this 16th day of November 2021.



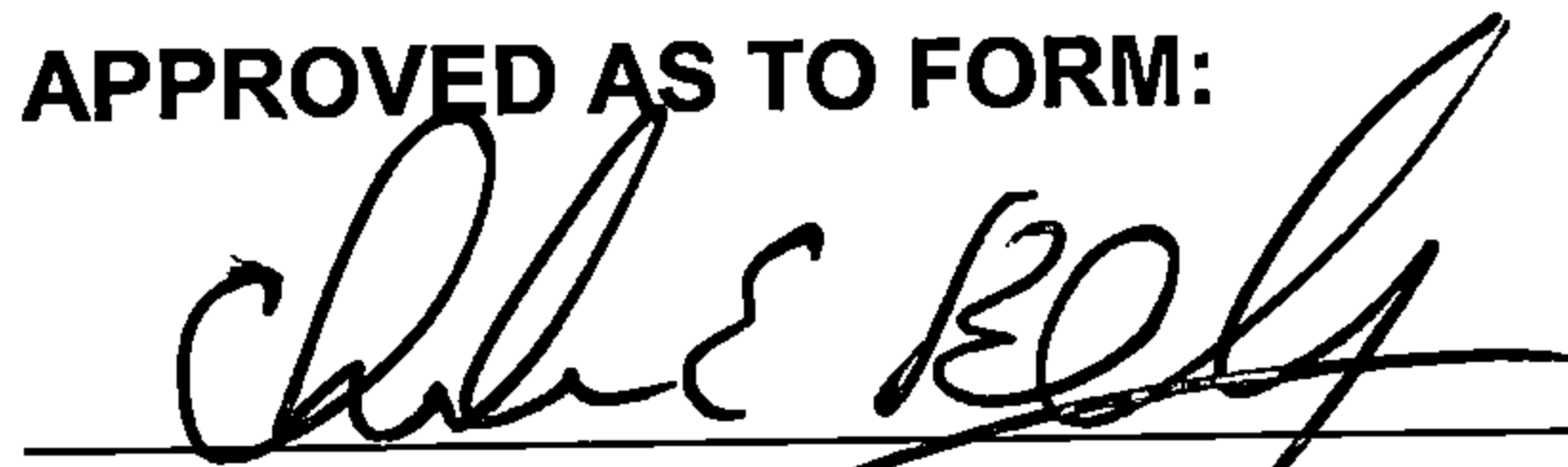
Alejandra Sotelo-Solis, Mayor

ATTEST:



Luz Molina, City Clerk

APPROVED AS TO FORM:



Charles E. Bell, Jr., City Attorney

Passed and adopted by the Council of the City of National City, California, on November 16, 2021 by the following vote, to-wit:

Ayes: Sotelo-Solis, Rodriguez, Morrison, Rios.

Nays: None.

Absent: Bush

Abstain: None.

AUTHENTICATED BY:

Alejandra Sotelo-Solis
Mayor of the City of National City, California



Luz Molina
City Clerk of the City of National City, California

By:

Shelley Chapel
Deputy City Clerk

I HEREBY CERTIFY that the foregoing Ordinance was not finally adopted until seven calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on November 2, 2021 and on November 16, 2021.

I FURTHER CERTIFY THAT said Ordinance was read in full prior to its final passage or that the reading of said Ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said Ordinance.

I FURTHER CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 2021-2493 of the City Council of the City of National City, passed and adopted by the Council of said City on November 16, 2021.

Shelley Chapel for
City Clerk of the City of National City, California

By:

Shelley Chapel
Deputy City Clerk