

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE
REPEALING SECTIONS 11.72.020, 11.72.030, 11.72.040,
11.72.050, 11.72.060 AND 11.72.070 OF CHAPTER 11.72
OF TITLE 11 OF THE SAN JOSE MUNICIPAL CODE AND
AMENDING SECTION 11.72.150 OF CHAPTER 11.72 OF
TITLE 11 TO ELIMINATE BICYCLE LICENSING
REQUIREMENTS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 11.72.020 of Chapter 11.72 of Title 11 of the San José Municipal Code is hereby repealed in its entirety.

~~11.72.020 License - Required~~

~~No resident of the City shall operate any bicycle upon any street, road, highway or other public property within the jurisdiction of the City unless such bicycle is licensed in accordance with the provisions of this Chapter.~~

SECTION 2. Section 11.72.030 of Chapter 11.72 of Title 11 of the San José Municipal Code is hereby repealed in its entirety.

~~11.72.030 License - Issuance - Recordkeeping Requirements~~

~~The Police Department and the Fire Department are authorized to license bicycles and to issue bicycle license indicia provided by the State Department of Motor Vehicles, upon written application of the owner. The department issuing the license shall attach said license to each bicycle and issue a corresponding registration document to the licensee upon the payment of the license fee prescribed in Section 11.72.040. The~~

~~police department shall maintain records of each bicycle registered. Such records shall include the license number, the serial number of the bicycle, the make, type and model of the bicycle, the name and address of the licensee, the date of issuance of the license and the expiration date of the license. Records shall be maintained by the police department during the period of validity of the license or upon notification that the bicycle is no longer to be operated.~~

SECTION 3. Section 11.72.040 of Chapter 11.72 of Title 11 of the San José Municipal Code is hereby repealed in its entirety.

~~**11.72.040 License - Fees**~~

~~The fee for bicycle licenses shall be as set forth in the schedule of fees established by resolution of Council.~~

SECTION 4. Section 11.72.050 of Chapter 11.72 of Title 11 of the San José Municipal Code is hereby repealed in its entirety.

~~**11.72.050 License - Term - Renewal**~~

~~Any bicycle license issued during the period commencing after the effective date of the ordinance codified in this Chapter and ending on December 31, 1978, shall expire on December 31, 1978. Renewals will be by supplementary adhesive devices affixed near the license indicia and will be issued for a three-year period. Any license issued prior to the effective date of the ordinance codified in this chapter shall expire on the date provided for in such license, except that in no event shall said license remain in force for a period exceeding five years from September 20, 1974.~~

SECTION 5. Section 11.72.060 of Chapter 11.72 of Title 11 of the San José Municipal Code is hereby repealed in its entirety.

~~11.72.060 Transfer of Bicycle Ownership – Notice~~

~~A. Whenever the owner of any bicycle licensed pursuant to this Chapter sells or otherwise disposes of a bicycle, he shall within ten days notify the police department of such disposition.~~

~~B. Any person who purchases or otherwise acquires possession of a bicycle shall within ten days of taking possession apply to the Police Department for the transfer of license to his name.~~

SECTION 6. Section 11.72.070 of Chapter 11.72 of Title 11 of the San José Municipal Code is hereby repealed in its entirety.

~~11.72.070 Change of Address – Notice Required~~

~~Whenever the owner of a bicycle licensed pursuant to this Chapter changes his address, he shall within ten days notify the Police Department of the old and new address.~~

SECTION 7. Section 11.72.150 of Chapter 11.72 of Title 11 of the San José Municipal Code is hereby amended to read as follows:

11.72.150 Impoundment Authorized When

The Police Department of the City as well as any member thereof may impound and retain possession of any bicycle operated, parked or used in violation of any of the provisions of this Chapter, and may retain possession of any such bicycle until ~~the license provided for in this chapter is obtained by the owner of said bicycle,~~ criminal proceedings for the violation resulting in the impounding have been terminated and the

judgment satisfied, and all charges and expenses incurred by reason of the impounding, including but not limited to storage charges, have been paid by the owner of the bicycle. The Police Department and members thereof hereby are authorized to store any bicycles impounded in garages or other suitable places and to incur storage charges therefor. Such storage charges shall be paid by the owner of the bicycle.

PASSED FOR PUBLICATION of title this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk