

## Chapter 10.44

### BICYCLES AND PERSONAL TRANSPORTATION DEVICES

Sections:

- 10.44.010 Definitions.
- 10.44.020 State authority.
- 10.44.030 Bicycles and PTD on sidewalks.
- 10.44.040 Operation of bicycles and PTD on municipal pathways not within the roadway.
- 10.44.050 Bicycles in roadways.
- 10.44.060 Bicycle and PTD parking.
- 10.44.070 Bicycle and PTD parking prohibited.
- 10.44.080 Racing and trick riding.
- 10.44.090 Placing of bicycle and PTD racks.
- 10.44.100 Passengers.
- 10.44.110 Entering public right-of-way.
- 10.44.120 Tampering.
- 10.44.130 Fees.
- 10.44.140 Shared mobility services.
- 10.44.150 Removal and impoundment.
- 10.44.160 Enforcement.
- 10.44.170 Exception for police enforcement activities.

#### **10.44.010 Definitions.**

A. A “bicycle” is a device upon which a person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.

B. “Bike share operator” means an individual or a public, private, or nonprofit entity that manages a bike share program authorized by the city of Capitola.

C. “Bike share program” means a system of self-service shared bikes for hire in the city of Capitola operated by a bike share operator that offers to users a pool of at least ten self-service shared bikes for use in the public right-of-way or on public property in the city of Capitola.

D. “Motorized scooter share operator” means an individual or a public, private, or nonprofit entity that manages a motorized scooter share program authorized by the city of Capitola.

E. “Parkway” means that portion of a street other than a roadway or sidewalk.

F. “Pedestrian” means any person afoot.

G. “Personal transportation device” or “PTD” means an electric bicycle as defined by California Vehicle Code Section 406(b) and a motorized scooter as defined by California Vehicle Code Section 407.5, both of which are capable of transporting persons from one place to another at a maximum speed of not more than twenty miles per hour. “PTD” does not include a moped as defined in California Vehicle Code Section 406(a), a gas-powered motorized scooter as defined in California Vehicle Code Section 407.5(b), or a motorized skateboard as referenced in California Vehicle Code Section 21968.

H. A “shared bike” is a bicycle, tricycle, quadricycle or similar device with any number of wheels that is propelled by a motor with any type of power source and/or by humans, that is designed to be shared by unrelated members of the public and that can be locked or secured from unauthorized use without being locked or secured to a bicycle rack or other object. This includes motorized bicycles or mopeds, as defined in Section 406 of the California Vehicle Code.

I. “Shared mobility device” means a bicycle or personal transportation device available to the public through a shared mobility service.

I. “Shared mobility services” means bicycle or personal transportation device share program available to the public, including motorized scooter share programs and bike share programs, authorized by the city of Capitola. (Ord. 1027 § 2 (part), 2019)

**10.44.020 State authority.**

Reference is made by this section to California Vehicle Code Division 11, Chapter 1, Article 4 relating to laws applicable to bicycle use and equipment, including helmets, and by such reference any and all statutes relating to the operation of bicycles are incorporated into this chapter. Every person operating a bicycle or a PTD on a roadway has all the rights and is subject to all the duties applicable to the driver of a vehicle, by the laws of this state or by the ordinances of this city except those provisions of laws and ordinances which by their nature can have no application, and except as otherwise provided in this chapter. (Ord. 1027 § 2 (part), 2019)

**10.44.030 Bicycles and PTD on sidewalks.**

A. No person shall ride a PTD upon a sidewalk.

B. No person shall ride a bicycle upon a sidewalk in the village area, as defined in subsections (B)(1) through (B)(3) of this section.

1. All street sections generally south of the Union Pacific Railroad corridor between the eastern edge of Monterey Avenue and the western edge of Wharf Road;
2. Wharf Road from the Union Pacific Railroad Corridor north to Capitola Road; and
3. Cliff Drive from Stockton Avenue to Opal Cliff Drive.

C. No person shall ride a bicycle upon a sidewalk outside the village area, as described in subsection B of this section, except children under the age of ten riding in the same direction as vehicular traffic in the lane adjacent to the sidewalk. (Ord. 1027 § 2 (part), 2019)

**10.44.040 Operation of bicycles and PTD on municipal pathways not within the roadway.**

A. No person shall operate a bicycle or PTD on the Riverview Path from Macdonald Lane to Stockton Avenue.

B. A bicycle or PTD may be operated on any municipal bicycle path or bikeway, unless the city of Capitola or the governing body of the public agency having jurisdiction over such path or bikeway prohibits such operation.

C. Any gasoline-powered transportation device shall not be operated on any municipal bicycle path or bikeway. (Ord. 1027 § 2 (part), 2019)

**10.44.050 Bicycles in roadways.**

See California Vehicle Code Section 21208 relating to laws applicable to bicycle operation within a roadway. (Ord. 1027 § 2 (part), 2019)

**10.44.060 Bicycle and PTD parking.**

A. All bicycles and PTDs shall be parked in a bicycle rack, PTD storage facility, or bicycle parking facility, such as a bicycle locker, except as allowed within subsections B and C of this section.

B. If a bicycle rack or bicycle parking facility is not available within fifty feet of a trip end, a bicycle or PTD may be parked on the sidewalk in compliance with all the following requirements, as applicable:

1. The device is locked in an upright position to an object fixed to the ground, such as a sign pole or light pole.
2. In the mixed use village zoning district, the sidewalk maintains five feet of clearance open for pedestrian circulation.
3. In all areas of the city other than the central village zoning district, the sidewalk maintains four feet of clearance open for pedestrian circulation.

C. A free locking bike shall be parked in a manner that complies with this section and not hazardous to pedestrians, vehicular traffic, or property.

D. No person shall park, stand, or lock any bicycle or PTD to a street tree, planter box, or public bench located in the public right of way. (Ord. 1027 § 2 (part), 2019)

**10.44.070 Bicycle and PTD parking prohibited.**

No person shall park a bicycle or PTD at any location which has been posted with signs prohibiting such parking. (Ord. 1027 § 2 (part), 2019)

**10.44.080 Racing and trick riding.**

No person operating a bicycle or PTD upon a public highway or street shall participate in any unauthorized race, speed or endurance contest; provided, however, that the city may authorize bicycle or PTD racing and trick riding events. (Ord. 1027 § 2 (part), 2019)

**10.44.090 Placing of bicycle and PTD racks.**

No person shall place or maintain on any public right-of-way a bicycle or PTD rack or contrivance used for the holding or parking of bicycles without first being issued a permit by the public works department. (Ord. 1027 § 2 (part), 2019)

**10.44.100 Passengers.**

A. To operate a pedicab service within the city limits, a pedicab operator shall have a valid city business license and pedicab permit issued by the city.

B. The city may issue an authorized pedicab service operator an encroachment permit for a pedicab stand through the public works department.

C. No person riding a bicycle or PTD shall carry another person on said bicycle or PTD unless such person or passenger is seated upon an individual seat or carrier with footrests separate from those intended to be used by the operator.

D. No person shall ride upon a bicycle or PTD as a passenger, unless he or she is seated upon an individual seat or carrier with footrests separate from those intended to be used by the operator. (Ord. 1027 § 2 (part), 2019)

**10.44.110 Entering public right-of-way.**

The operator of a bicycle or PTD, on approaching any public right-of-way when the view is obstructed, shall stop such bicycle or PTD immediately prior to entering upon such public right-of-way. (Ord. 1027 § 2 (part), 2019)

**10.44.120 Tampering.**

It is unlawful for any person to remove, alter or mutilate the serial number of any bicycle frame. (Ord. 1027 § 2 (part), 2019)

**10.44.130 Fees.**

The fees required to be paid pursuant to the provisions of this chapter shall be those fees established by resolution adopted by the city council. (Ord. 1027 § 2 (part), 2019)

**10.44.140 Shared mobility services.**

A. To operate a shared mobility service within the city limits, a bikeshare operator and/or scooter share operator shall have a valid city business license and a contract with the city.

B. The city may authorize a bikeshare operator and/or scooter share operator to conduct shared mobility services within the city through a contract approved by the city council. (Ord. 1027 § 2 (part), 2019)

**10.44.150 Removal and impoundment.**

A. The city may impound and retain possession of any bicycle or PTD which has been in operation in violation of this chapter.

B. The city may remove and impound any shared mobility device owned or controlled by a shared mobility service that is found in any public place within the city limits if the operator does not have a valid contract and business license with the city or is operated in violation of any provision of such contract or this chapter.

B. It shall be the duty of the city department authorizing the impound of a shared mobility device to notify the city's police department that such property is impounded. Such notification must include the following information: the owner of the shared mobility device where the ownership is ascertainable; the date of impoundment; and the location of impoundment.

C. Once a department notifies the police department that a shared mobility device has been impounded, the city's police department will then issue notice of impoundment to the device's owner, if ascertainable. The notice shall include the date of the shared mobility device impoundment and location of its keeping, together with the information that before the owner or person in charge of the property shall be permitted to remove the same from the custody of the impounding department, evidence of identity and ownership shall be required together with the fees necessary to cover the costs for removal and impound. Such charges and costs shall be set in the city's fee schedule.

D. The owner of the impounded property, or the owner's agent, shall satisfy any and all city conditions or policies related to the impoundment of a shared mobility device prior to retrieval of the property.

E. The city may dispose of an impounded shared mobility device if the owner does not claim and pay any required fees after thirty calendar days from the date of its removal. (Ord. 1027 § 2 (part), 2019)

**10.44.160 Enforcement.**

A. Any violation of the provisions of this chapter shall be subject to the code enforcement process in Title 4, including the potential penalties for a violation.

B. Any administrative citation issued pursuant to this chapter shall be prima facie evidence that the violation occurred.

C. In addition to the remedies set forth in subsections A and B of this section, any person violating the provisions of this chapter shall be deemed to be guilty of an infraction. (Ord. 1027 § 2 (part), 2019)

**10.44.170 Exception for police enforcement activities.**

Nothing in this code shall preclude police officers from operating a bicycle, PTD, or shared mobility device, while acting within the scope of their duties, in any reasonable manner when it is for the purpose of taking enforcement action or carrying out the performance of their duties. (Ord. 1027 § 2 (part), 2019)