



TOWN OF FAIRFAX

STAFF REPORT

August 5, 2015

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Introduction and First Reading by Title Only an Ordinance Adding a New Chapter 10.26 ('Bicycles') to Title 10 ('Vehicles and Traffic') of the Fairfax Town Code, and Amending Section 1.08.020 to Include Reference to New Chapter 10.26 to prohibit bicycles on sidewalks in the downtown area

RECOMMENDATION

Introduce and waive first reading and read by title only An Ordinance of the Town Council of the Town of Fairfax Adding a New Chapter 10.26 ('Bicycles') to Title 10 ('Vehicles and Traffic') of the Fairfax Town Code, and Amending Section 1.08.020 to Include Reference to New Chapter 10.26.

DISCUSSION

Some community concern has been raised regarding the riding of bicycles on sidewalks in the downtown area. The attached ordinance would prohibit the riding of bicycles and motorized bicycles on sidewalks in the downtown area (see map attached to the ordinance). The ordinance would also prohibit the riding of a bicycles and motorized bicycles upon any sidewalk, public parking area, steps, or handicapped accessible walkway anywhere in Town in such a manner as to create a hazard to persons or automobiles or to cause damage to property.

The Town will be required to post signs in the downtown area to inform bicyclists of the law. Staff will try to keep the signage to the legal minimum. The ordinance would allow the police to issue warnings or citations to violators of the ordinance.

This ordinance is similar to existing Town Code section 10.28.010, which prohibits the riding of skateboards on sidewalks in the downtown area or in a manner which creates a hazard to persons, automobiles, or damage to property.

ATTACHMENT

Proposed Ordinance

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN OF FAIRFAX ADDING A NEW CHAPTER 10.26
(‘BICYCLES’) TO TITLE 10 (‘VEHICLES AND TRAFFIC’) OF THE
FAIRFAX TOWN CODE, AND AMENDING SECTION 1.08.020 TO INCLUDE
REFERENCE TO NEW CHAPTER 10.26**

WHEREAS, California Vehicle Code Section 21100(h) provides that local authorities may adopt rules and regulations, by ordinance or resolution, regarding the operation of bicycles on public sidewalks; and

WHEREAS, the Town is vested with the authority to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the Town of Fairfax currently has no prohibition on the use of public sidewalks by bicyclists; and

WHEREAS, the simultaneous use of public sidewalks by pedestrians and bicyclists can lead to conflicts that imperil both groups, especially where sidewalks are congested; and

WHEREAS, according to the *Guide for the Development of Bicycle Facilities* (1999) published by the American Association of State Highway Transportation Officials, sidewalks are “undesireable” as shared use paths for pedestrians and bicyclists. To wit, according to the *Guide*:

Utilizing or providing a sidewalk as a shared use path is unsatisfactory for a variety of reasons. Sidewalks are typically designed for pedestrian speeds and maneuverability and are not safe for higher speed bicycle use. Conflicts are common between pedestrians traveling at low speeds (exiting stores, parked cars, etc.) and bicyclists, as are conflicts with fixed objects (parking meters, utility poles, sign posts, bus benches, trees, fire hydrants, mail boxes, etc.). Walkers, joggers, skate boarders and roller skaters can, and often do, change their speed and direction almost instantaneously, leaving bicyclists insufficient reaction time to avoid collisions.

Similarly, pedestrians often have difficulty predicting the direction an oncoming bicyclist will take. At intersections, motorists are often not looking for bicyclists (who are traveling at higher speeds than pedestrians) entering the crosswalk area, particularly when motorists are making a turn. Sight distance is often impaired by buildings, walls, property fences and shrubs along sidewalks, especially at driveways. In addition, bicyclists and pedestrians often prefer to ride or walk side by side when traveling in pairs. Sidewalks are typically too narrow to enable this to occur without serious conflicts between users.

WHEREAS, the sidewalks that receive the greatest usage by pedestrians in Town are found within the Town Center Area, as that area is described in the 2010-2030 Fairfax General Plan and as depicted on the map accompanying this ordinance; and

WHEREAS, in order to protect the public health, safety, and welfare of pedestrians and bicyclists alike, the Town Council of the Town of Fairfax desires to ban the use of public sidewalks by bicyclists within the Town Center Area; and

WHEREAS, in order to protect the public health, safety, welfare of pedestrians, bicyclists and property, the Town Council of the Town of Fairfax desires to ban operation of bicycles and motorized bicycles in such a manner as to create a hazard to such throughout the Town of Fairfax.

NOW, THEREFORE, the Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: A new Chapter 10.26 ('Bicycles') is hereby added to Title 10 ('Vehicles and Traffic') of the Fairfax Town Code, to read as follows:

"CHAPTER 10.26: BICYCLES

§ 10.26.100 PURPOSE

The purpose of this chapter is to regulate the operation and use of bicycles and motorized bicycles throughout the Town of Fairfax so as to protect the public health, safety, and welfare, and prevent property damage.

§ 10.26.110 RIDING BICYCLES AND MOTORIZED BICYCLES ON SIDEWALKS WITHIN THE TOWN CENTER AREA PROHIBITED

Within the Town of Fairfax, operating a bicycle, as defined in Vehicle Code Section 231, or motorized bicycle, as defined in Vehicle Code Section 406, on any public sidewalk is prohibited within the area known as the Town Center Area, as such area is depicted on the map accompanying this ordinance. The Town shall post signs notifying sidewalk users of this provision.

§ 10.26.115 OPERATING BICYCLES OR MOTORIZED BICYCLES WITHIN THE TOWN OF FAIRFAX TO CREATE A HAZARD IS PROHIBITED

Within the Town of Fairfax, it is also prohibited to operate a bicycle or a motorized bicycle upon any sidewalk, public parking area, steps or handicapped accessible walkway in such a manner as to create a hazard to persons or automobiles or to cause damage to property.

§ 10.26.120 PENALTY

Violations of this chapter shall be an infraction, subject to Chapter 1.08 ('General Penalty') of this Code."

SECTION 2: Fairfax Town Code, Title 1 ('General Provisions'), Chapter 1.08 ('General Penalty'), Section 1.08.020 ('Infractions'), subsection A ('Violations designated infractions'), further subsection (8) is hereby amended to read as follows:

“(8) Chapter 10.26, Bicycles, and Chapter 10.28, Skateboards; and”

SECTION 3: The map of the Town Center Area attached hereto is incorporated herein.

SECTION 4: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Town Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 5: This Ordinance is exempt from the requirements of the California Environmental Quality Act (codified at California Public Resources Code §§ 21000, *et seq.*, and as further governed by 14 California Code of Regulations §§ 15000, *et seq.*, collectively, “CEQA”) because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Here, the adoption of an Ordinance prohibiting the operation of bicycles on public sidewalks within the Town Center Area has no potential to cause a significant effect on the environment and is thus not subject to CEQA.

SECTION 6: This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit:

1. Bulletin Board, Town Hall Offices, located at 142 Bolinas Road, Fairfax;
2. Bulletin Board, Fairfax Post Office, located at 773 Center Boulevard, Fairfax; and
3. Bulletin Board, Fairfax Women's Club building, located at 46 Park Road, Fairfax.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the 5th day of August 2015, and duly adopted at the next regular meeting of the Town Council on the ___ day of _____, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Barbara Coler, Mayor

Attest:

Michele Gardner, Town Clerk

Date

