



Legislation Text

File #: 63143, Version: 1

Fiscal Note

The proposed resolution would eliminate the City's bicycle registration system. Revenues from bicycle registrations averaged \$21,000 per year across 2018 and 2019. Bicycle registration revenues are a General Fund revenue source and the loss of this revenue may require expenditure reductions or increases in other revenue sources. The elimination of fines associated with violating bicycle registration requirements is not expected to have a fiscal impact.

Title

Repealing Sections 12.78, 12.781(3), (4) & (5), amending Sections 12.79 and Sec. 1.08(3)(a) of the Madison General Ordinances to eliminate the City bicycle registration system.

Body

DRAFTER'S ANALYSIS: Wis. Stat. § 349.18(2) authorizes municipalities to choose whether to have an ordinance requiring local bicycle registration. Sec. 12.78 set up a City bicycle registration system that required owners and operators to register their bicycles with the City and required bicycle dealers to register bicycles purchased from their dealership. The repeal of this ordinance eliminates mandatory City bicycle registration. Instead of requiring registration with the City, the City will encourage bicycle owners to voluntarily register their bicycles through free national bicycle registrations services.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 12.78 entitled "Registration of Bicycles" of the Madison General Ordinances is hereby repealed.
2. Subsections (3), (4), and (5) of Section 12.781 entitled "Licensing of Bicycle Dealers" of the Madison General Ordinances are hereby repealed.
3. Section 12.79 entitled "Penalty for Violating Sections 12.74 through 12.782" of the Madison General Ordinances is amended to read as follows:

"12.79 PENALTY FOR VIOLATING SECTIONS 12.74 THROUGH 12.782.

The penalty for violating Sections 12.74 through 12.782 shall be as follows:

- (1) Any person violating any provision of Sections 12.76(1) to (4), ~~12.78(6)~~, 12.782(3) and (4) may be required to forfeit not more than forty dollars (\$40).
- (2) Any person violating any provision of Section 12.781(1), (2) and (4) may be required to forfeit not more than twenty dollars (\$20) for the first offense and not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for the second and subsequent convictions within one year.
- (3) Any person violating any provision of Sections ~~12.78(3), (5)~~ or 12.782(1) may be required to forfeit not more than ten dollars (\$10).
- (4) Any person violating Section 12.781 may be required to forfeit not less than ten dollars (\$10) nor more than one hundred dollars (\$100).
- (5) Any person violating Section ~~12.78(2), 12.781(3), or 12.782(2)~~ may be required to forfeit not less than ten dollars (\$10) nor more than two hundred dollars (\$200) for the first offense, and not less than ten dollars (\$10) nor more than two hundred dollars (\$200) for the second offense

- and revocation of license for the second offense within a licensing year.
- (6) Any person violating any provision of Section 12.751 may be required to forfeit not less than ten dollars (\$10) nor more than one hundred dollars (\$100).
 - (7) Any person violating any provision of Section 12.752 may be required to forfeit not less than twenty dollars (\$20) nor more than two hundred and fifty dollars (\$250).
 - (8) Penalty. Any person violating any provision of Section 12.76(6) or 12.76(7) may be required to forfeit not more than \$20."

4. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by repealing therein the following:

"Offense	Ord. No./Adopted Statute No.	Deposit
No bicycle dealer's license.	12.78(1)	\$10
Improper use of bicycle license plate.	12.78(3)	\$10
Expiration of bicycle registration.	12.78(4)	\$20, 1st \$50, 2nd and subsequent in 12 mos.
Failure to transfer bicycle license.	12.78(5)	\$10
Notification of change of address.	12.78(6)	\$10
Unsafe condition of bicycle.	12.78(7)	\$20
Mandatory bicycle sale reporting.	12.781(3)	\$10
Bicycle dealer to retain copy of record of sale.	12.781(5)	\$10"

EDITOR'S NOTES:

1. Section 12.78 currently reads as follows:

"12.78 REGISTRATION OF BICYCLES.

- (1) Registration and Licensing of Bicycles. No person shall operate a bicycle upon any public way within the City of Madison unless said bicycle shall have been properly registered by the City of Madison as hereinafter provided, or shall have a valid current registration in another municipality.
- (2) Registration Form. Every owner or operator of any bicycle within the City of Madison shall, within ten (10) days of the acquisition of such bicycle or from establishing a residence in the City, file with the Director of Transportation or her/his designee a complete description including make, model, color, serial number and additional information as required and name and address of purchaser of such bicycle, upon a form to be provided for that purpose. The registrar shall verify serial number and name and address. Such registration shall be serially numbered and kept on file by the Department of Transportation in its office as a public record. The registration shall be cross-referenced so that a bicycle can be identified by all of the following methods:
 - (a) Bicycle serial number.
 - (b) Registration sticker or decal number.

- (c) Name of owner.
 - (d) Any bicycle purchased from a bicycle dealer within the City of Madison after the effective date of this ordinance shall be registered by the dealer. The dealer, at the time of sale, shall require the buyer to complete an application for registration, collect the required fee, and mail the application and fee to the Director of Transportation or her/his designee no later than two (2) weeks after the date of sale. When a bicycle dealer sells a bicycle to a person from another city, town, or village who wishes to register that bicycle in her or his home city, town, or village, the dealer shall, at the time of sale, complete an application for registration and indicate on the application that the bicycle is to be registered in another city, town, or village. All bicycle dealers shall supply registration information to the City on all bicycles sold or transferred. Dealers may retain one dollar (\$1) from the sale of each registration to cover the costs of administration of the registration program.
 - (e) The University of Wisconsin-Madison shall actively promote bicycle registration through both educational and enforcement programs. The UW-Madison or its representatives may complete applications for bicycle registration and collect the required fee. The UW-Madison or its designated representative shall mail the completed applications and collected fees to the Director of Transportation no later than two weeks after completion of each application. The UW-Madison may retain one-half of each registration fee collected to cover the costs of the registration program.
- (3) Sticker or Decal. Immediately upon the registration of a bicycle, the registrar shall issue to the owner of such bicycle a serially numbered sticker or decal to indicate the period of registration. Such sticker or decal shall be affixed to the bicycle frame so that it is plainly visible and shall be kept reasonably clean at all times. It shall thereafter remain affixed to such bicycle until the expiration or the cancellation of the registration. A fee of ten dollars (\$10) for one or two bicycles, and eight dollars (\$8) for each subsequent bicycle shall be charged for the registration of any bicycle under provisions of this ordinance. No person shall willfully remove, deface or destroy any such sticker or decal.
 - (4) Expiration of Registration. Bicycles shall be registered every four (4) years. Registration of bicycles shall be effective until May 15 of the calendar year four years after the year of registration.
 - (5) Lost Registration Stickers or Decals and Ownership Transfer. In case of theft or loss of decal or sticker, a new decal or sticker shall be obtained. Upon the sale or transfer of a registered bicycle, the new owner shall report the sale or transfer to the Chief of Police, indicating her/his name and address as well as the name and address of the person from whom the bicycle was acquired.
 - (6) Notification of Change in Address. Whenever the owner of a registered bicycle moves or changes address, s/he shall notify the Chief of Police in writing of the new address within ten (10) days.
 - (7) Bicycle To Be In Safe Mechanical Condition. The Chief of Police or her/his designee shall refuse to register or shall suspend the registration of any bicycle found to be in unsafe mechanical condition or not equipped or registered as herein required until proof is given that the defect or defects are corrected. Unsafe mechanical condition includes, but is not limited to, a bicycle with improvised or defective handlebars."

2. Sections 12.781(3), (4) & (5) currently read as follows:

- "(3) At least every 14 calendar days when bicycles are sold or transferred, every person, firm, association or corporation engaged in the business of selling or transferring new or used bicycles in the City of Madison shall report to the Chief of Police all sales, transfers, and registrations made by her/him, giving a description of each bicycle sold or transferred, the name and address of purchaser or transferee, make of bicycle, color, serial number, and additional

information as may be required. New bicycles, manufactured without a serial number, shall have a serial number stamped on the frame by the dealer in accordance with an approved city numbering system.

- (4) The Chief of Police shall provide suitable forms upon which such reports shall be made, which shall be furnished upon request to persons, firms, associations or corporations engaged in selling or transferring of new or used bicycles in the City of Madison.
- (5) One designated copy of such record shall be retained by the licensee. Such reports shall be open to the police."