

Active Transportation Advisory Committee (ATAC) Ordinance Review Task Force

Subject: Discussion of draft recommended changes to Fresno
Municipal Code to recommend to Public Works
From: Ordinance Review Task Force
To: ATAC

- **SEC. 14-310. - USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED.**

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such persons shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while it is officially set aside as a play street.

(Added Ord. 6130, 1962, based on former Sec. 10-305).

Recommend total elimination of this ordinance. Language is vague (what is a coaster?), and people should be able to roller skate around their neighborhood. May want to amend this to only clarify what type of vehicles it covers and ban on arterial and collectors.

- **SEC. 14-1703. - RIDING ON SIDEWALKS.**

(a) No person shall operate a bicycle or unicycle on a sidewalk in the central business district, or on any street designated as a mall street by the provisions of this Code.

(b) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. At the intersection of two or more sidewalks, where the vision of the operator of a bicycle is so restricted by hedges, bushes, buildings, or any other obstruction so that the approach of a pedestrian cannot be observed and there is danger of a collision with the pedestrian, the operator of a bicycle shall dismount and walk through the intersection of the sidewalks. (Orig. Ord. 3811; Rep. and Added Ord. 6130, 1962; Am. Ord. 6495, 1964).

Recommend removal of part (a) of this ordinance. There isn't a compelling reason as to why it should be banned in downtown but allowed elsewhere. Mall streets is especially

problematic as this applies to the Mariposa mall, an important connector downtown, providing access between courthouse and Library/Eaton Plaza/City Hall. Although controversial, riding on the sidewalk is critical in many places in town lacking safe bicycle infrastructure. Riding on sidewalks is particularly utilized by older riders, riders with disabilities and parents with children. May want to institute a speed limit, such as 10 MPH, and include language about requirements to yield to pedestrians.

- **SEC. 14-805. - RIDING OR DRIVING ON SIDEWALK.**

No person shall ride, drive, propel, or cause to be propelled any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that said sidewalk area be substantially protected by wooden planks two inches thick, and written permission be previously obtained from the City Engineer. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from 6:00 p.m. to 6:00 a.m.
(Rep. and Added Ord. 6130, 1962, based on former Sec. 10-806).

Does this apply to riding a bicycle on a sidewalk? If so in conflict with 14-703.

- **SEC. 14-1706. - CROSSWALKS.**

No person shall ride a bicycle to cross a roadway within a marked or unmarked crosswalk.
(Added Ord. 76-24, § 9, eff. 4-18-76).

Recommend elimination of this provision. Class 1 path design in Fresno necessitates use of crosswalks, as does riding on sidewalks.

- **SEC. 14-1707. - PARKING.**

No person shall park a bicycle upon any public street, sidewalk, bicycle lane, or bicycle path except as provided in this section.
(a) Bicycles shall be parked in a designated bicycle parking facility or rack if such facility or rack is readily accessible.
(b) If no designated bicycle parking facility or rack is readily accessible, a bicycle may be parked on a roadway provided that it shall be parked against the curb thereof or the edge thereof if there is no curb.
(c) If no designated bicycle parking facility or rack is readily accessible, a bicycle may be parked upon a sidewalk provided that it shall be parked so as not to obstruct pedestrian traffic.

(Orig. Ord. 3811; Rep. and Added Ord. 6130, 1962; Am. Ord. 72-120, 1972; Am. Ord. 76-24, § 10, eff. 4-18-76).

Recommend removing section (a). Language is vague and doesn't take into account theft concerns if rack is accessible but in the dark or outside of high traffic areas.

- **SEC. 14-811. - DRIVING ON BICYCLE ROUTE.**

(a) **Bicycle Path.** No person shall drive a vehicle upon any bicycle path except in an emergency.

(b) **Bicycle Lane.** No person shall drive a vehicle upon any bicycle lane except in an emergency or as follows:

To enter or leave the street or highway.

To prepare for a right turn.

To park where parking is permitted.

Any vehicle and other equipment while actually engaged in street work pursuant to the provisions of Article 2 of [Chapter 13](#) of this code.

Any vehicle and other equipment owned or operated by any public agency or public utility while necessarily in use for construction, repair work, work upon the surface of a highway, or work of installation, removal, repairing or maintaining official traffic control devices.

Any rubbish or garbage truck while actually engaged in the collection of rubbish or garbage.

Any streetsweeper while actually engaged in sweeping a street.

Any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail.

(Added Ord. 72-120, 1972; Am. Ord. 76-24, § 2, eff. 4-18-76).

Add "within 200 feet of intersection" to "to prepare to make right turn"

Perhaps add language to "to where parking is permitted" parking in bike lanes is a big problem and should be prohibited in most circumstances.

SEC. 14-812. - RIGHT TURN AND BIKE LANES.

When necessary to make a right-hand turn on a roadway which has a bicycle lane to the right of the motor vehicle lane, the motorist must merge into the bicycle lane in accordance with Vehicle Code Section 21658(a) and make his turn as close as practicable to the right-hand curb or edge of the roadway in accordance with Vehicle Code Section 22100.

Amend to: When necessary to make a right-hand turn on a roadway which has a bicycle lane to the right of the motor vehicle lane, the motorist must merge into the bicycle lane within a distance of 200 feet from the intersection in accordance with Vehicle Code Section 21209 and make his turn as close as practicable to the right-hand curb or edge of the roadway in accordance with Vehicle Code Section 22100.

- **SEC. 13-219. - ENCROACHMENT IN A PUBLIC RIGHT-OF-WAY.**

No person shall encroach upon any public right-of-way of the city unless and until such person first obtains and maintains in force and effect a valid encroachment permit issued by the Director. The Director may issue an encroachment permit only when the following conditions have been met:

The record owners of the real property adjacent to the encroachment area have executed and recorded a covenant agreement approved by the City Attorney indemnifying the city for all liability resulting from the use or occupation of the encroachment area.

An application for an encroachment permit has been completed on a form designated by the Director which describes the purpose for the encroachment and the work to be done therein.

Fees relating to the issuance of the encroachment permit, as established by the Master Fee Resolution, have been paid.

The Director determines that the issuance of the encroachment permit will meet a legitimate purpose of the applicant, and that such purpose cannot be feasibly accomplished by any means other than through the issuance of an encroachment permit.

The Director determines that the issuance of an encroachment permit will not be detrimental to the public health, safety, and welfare.

The applicant shall comply with all additional terms, conditions, and restrictions incorporated within the permit and/or covenant which the Director may impose.

Issuance of an encroachment permit shall not relieve the applicant from the obligation of obtaining a street work permit pursuant to [Section 13-202](#) for any work to be done in the public right-of-way contiguous to, or within, the area of the encroachment.

The Director shall revoke any encroachment permit upon determining that the applicant has failed to comply with one or more of the terms, conditions, or restrictions incorporated in the permit or the covenant and shall order the removal of all structures from the encroachment area. This Subsection shall not apply to Subsection 12-328(F) of the Outdoor Dining Ordinance.

The decision of the Director, or any term, condition, or restriction imposed, may be appealed to the Council pursuant to the provisions of [Section 13-216](#) of this Code.

(Added Ord. 79-80, § 1, eff. 6-1-79; Am. Ord. 80-115, § 113, eff. 8-8-80; Am. Ord. 2014-17, § 2, eff. 4-18-14).

We had a situation in my neighborhood where a house burned down and then a fence was placed around the whole parcel to the street, blocking the sidewalks. Need to make sure that sidewalks and bike lanes are given same priority as roads, and all obstructions are brief and minimal.

Proposed new ordinances

Draft ordinance prohibiting parking in bike lanes, except where expressly permitted following a parking needs study