

ORDINANCE NO. 2011- 9

An ordinance amending Chapter 22 of the Victoria City Code to remove the bicycle registration requirement, repealing conflicting ordinances, providing for severability, providing for codification and savings, providing for enforcement, providing a penalty not to exceed \$500 upon conviction and publication, and declaring an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The following sections of Chapter 22 of the Victoria City Code are hereby repealed:

Sec. 22-80. — Registration — Required.

~~It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, alleys or public highways of the city, without first registering ownership of the bicycle with the police department.~~

Sec. 22-81. — Same — Issuance of certificate.

~~The police department or persons approved by the chief of police are hereby authorized and directed to issue registration certificates upon written application by a bicycle owner, which shall be current as long as ownership does not change. A current registration certificate shall entitle a bicycle to be operated upon all the streets, alleys and public highways, exclusive of the sidewalks thereof, in the city.~~

Sec. 22-82. — Same — Fee.

~~The registration fee to be paid for each bicycle shall be paid in advance, and such fee shall be prescribed by separate ordinance enacted from time to time, copies of which are on file in the city secretary's office.~~

Sec. 22-83. — Same — Attachment of certificate; record.

~~The city shall provide registration certificates bearing a registration number, together with registration forms. It shall be the duty of the police department or persons approved by the chief of police to attach one registration certificate to the frame of each bicycle and to deliver a corresponding registration form to the owner upon the payment of the registration fee. Such registration certificate shall remain attached during the existence of such registration. The police department shall also keep a record of each registration, including the following information:~~

- ~~(1) — The date of registration;~~
- ~~(2) — Name, address, date of birth and phone number of the bicycle owner;~~
- ~~(3) — A description of the bicycle, including the manufacturer, serial number and registration number assigned; and~~
- ~~(4) — The name and address of the person or business from which the bicycle was purchased or acquired and the date of purchase or acquisition.~~

Sec. 22-84. — Mutilation, alteration of frame number or registration certificate.

~~It shall be unlawful for any person to remove, destroy, mutilate or alter the serial number of any bicycle. It shall also be unlawful for any person to remove, destroy, mutilate or alter any registration certificate or registration form during the time in which such registration certificate or registration form is current; provided, however, that n Nothing in this article shall prohibit the Police Department from placing serial numbers on the frames of bicycles on which no serial number can be found, or on which the number is illegible or insufficient for identification purposes.~~

Sec. 22-85. — Possession or sale of bicycle with altered frame number.

~~It shall be unlawful for any person to possess, sell or offer for sale a bicycle that has had the serial number removed, changed, or obliterated when he knows the number has been removed, changed, or obliterated. It is a defense to prosecution under this section that the person was, at the time the number was removed, changed, or obliterated, the rightful or true owner of the bicycle.~~

Sec. 22-86. — Registration at time of sale or transfer.

~~It shall be unlawful for any purchaser or transferee of any bicycle to fail to apply for registration within ten (10) days of such purchase or transfer.~~

Sec. 22-87. — Records to be kept by bicycle dealers.

- ~~(a) — All persons engaged in the business of selling bicycles shall record, at time of sale, the name and address of the purchaser, the kind of bicycle sold, a description and frame number thereof, and the number of the registration certificate attached thereto, if any.~~
- ~~(b) — All persons engaged in the business of buying bicycles shall record, at time of purchase, the name and address of the person from whom each bicycle is purchased, a description of each bicycle purchased, and the serial number thereof, and the number of the registration certificate found thereon, if any.~~
- ~~(c) — These transaction records shall be made available for inspection upon request of any peace officer.~~

Sec. 22-88. — Penalty; impoundment.

~~In addition to the penalty as provided in Section 1-8, the Police Department of the City, or any of the members thereof, may impound and retain possession of any bicycle operated in violation of any of the provisions of this article, and retain possession of the same until the registration certificate provided for herein is obtained by the owner of said bicycle.~~

2.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

3.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

4.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney. The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 1st day of March, 2011.

AYES: 5

NAYS: 1

ABSTENTIONS: 0

PASSED SECOND READING, this the 15th day of March, 2011.

AYES: 5

NAYS: 1

ABSTENTIONS: 0

PASSED THIRD READING, this the 15th day of March, 2011.

AYES: 5

NAYS: 1

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 15th day of March, 2011.



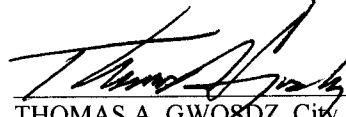
ATTEST:


SCARLET SWOBODA, City Secretary



WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:


THOMAS A. GWOSDZ, City Attorney

Distribution: Legal Department
City Secretary's Office
Police Department

Copies Sent: March 16, 2011