



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-24

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October 2, 2018

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare Ordinance amending the Long Beach Municipal Code by adding Chapter 10.49 regarding a prohibition on the repairs or sales of bicycles and bicycle parts on public property read for the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request on February 13, 2018, this Ordinance adding Chapter 10.49, "Prohibition on Repairs and Sales of Bicycles and Bicycle Parts on Public Property," of the Long Beach Municipal Code ("LBMC") has been prepared and is submitted for your consideration.

Under the proposed ordinance, it would be unlawful for a person to assemble, disassemble, sell, offer to sell, distribute, or store on any City street, sidewalk, alley, public right-of-way, public beach or park, or other public property:

- Three (3) or more bicycles;
- A bicycle frame with the gear cables or brake cables cut;
- Two (2) or more bicycles with missing parts; and/or
- Five (5) or more bicycle parts.

Exceptions to this prohibition would include activities authorized under a valid City License or Permit, or where the owner of the bicycle and/or bicycle part(s) is present during the repair.

October 2, 2018

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The proposed ordinance would fall under Title 10, Vehicles and Traffic, of the LBMC. Pursuant to LBMC Section 1.32.020.A, any violation of Title 10, which also includes a similar ordinance prohibiting the repairing of vehicles on streets, constitutes an infraction.

Ultimately, the proposed ordinance seeks to clear the public right-of-way, prevent unauthorized commercial activity in these areas, return stolen bicycles and/or bicycle parts to their lawful owners, and deter future bicycle theft.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

A handwritten signature in black ink, appearing to read 'M. Kilaita', written over a horizontal line.

MONICA J. KILAITA
Deputy City Attorney

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 10.49 RELATING TO THE PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY

WHEREAS, the City of Long Beach is a leading city in providing bicycle infrastructure and encouraging the use of bicycles in daily transportation for commuting and recreational purposes; and

WHEREAS, still, reported bicycle thefts in Long Beach averaged over 700 instances per year between 2011 and 2016, and statistics show the number of actual thefts is likely much greater; and

WHEREAS, many of these bicycles are also dismantled in public areas and sold within days of being stolen, and, thus, there is a narrow window for bicycles to be recovered while they are being taken apart in public spaces before being sold; and

WHEREAS, such open-air "bike chop shops" can be seen throughout the City, but confronting the illegal activities this practice supports is difficult without better tools to reduce the occurrences; and

WHEREAS, prohibiting such activity and allowing removal of bicycles and/or bicycle parts from the public right-of-way and public property will help clear the public right-of-way and public property, prevent unauthorized commercial activity in these areas, and, if any items are lost or stolen, restore such items to their lawful owners and deter future bicycle theft; and

WHEREAS, in furtherance of this effort, on February 13, 2018, the City Council requested the City Attorney to draft an ordinance to prohibit the assembly,

1 disassembly, sale, offer of sale, distribution, or offer of distribution of bicycles and bicycle
2 parts on public property or public right-of-way, under certain conditions and with certain
3 exceptions;

4 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
5 follows:

6 Section 1. Chapter 10.49 entitled "Prohibition on Repairs and Sales of
7 Bicycles and Bicycle Parts on Public Property" is hereby added to the Long Beach
8 Municipal Code to read as follows:

9
10 CHAPTER 10.49

11 PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON
12 PUBLIC PROPERTY

13
14 10.49.010 – Repairs and sales on public property prohibited.

15 Except where otherwise stated in this Chapter, no person
16 shall assemble, disassemble, sell, offer to sell, distribute, offer to distribute,
17 or store the following items on any street, sidewalk, alley, public
18 passageway, public right-of-way, public beach, public park, or other public
19 property within the City:

- 20 A. Three (3) or more bicycles;
- 21 B. A bicycle frame with the gear cables or brake cables cut;
- 22 C. Two (2) or more bicycles with missing parts (the term "parts"
23 shall mean handlebars, wheels, forks, pedals, cranks, seats, or chains); or
- 24 D. Five (5) or more bicycle parts.

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26 10.49.020 – Exceptions.

27 The prohibition contained in Section 10.49.010 of this Chapter
28 shall not apply in any of the following situations:

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A. An individual is operating under a valid City of Long Beach License or Permit authorizing such activities.

B. The owner of a bicycle or bicycle part is present during the repair of his or her single bicycle or bicycle part. Supporting evidence for a claim of lawful ownership may include, but is not limited to, video or photographic evidence, a bill of sale, the correct serial number, bicycle registration, and the like.

10.49.030 – Severability.

If any section, subsection, sentence, clause, phrase, or word of this Chapter 10.49, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality or unenforceability.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2018, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

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