



R-17

Date: February 13, 2018

To: Honorable Mayor and Members of the City Council
Councilwoman Suzie Price, Third District *SP*
Councilman Daryl Supernaw, Fourth District *DS*

From: Councilman Dee Andrews, Sixth District *DA*
Councilman Al Austin, Eighth District *AL*

Subject: Bike Chop Shop Ordinance

INTRODUCTION:

Long Beach is a leading city in providing bike infrastructure and encouraging the use of bicycles in daily transportation for commuting and recreation. However, if the city cannot adequately address clear issues of safety, quality of life, and bike theft then it undermines residents' faith and support for our mobility and recreation related goals.

Reported bike thefts in Long Beach averaged over 700 instances a year between 2011 and 2016,¹ and statistics show the numbers of actual thefts is likely much higher. This reality is echoed by our residents on a regular basis.

Many bikes are dismantled and sold within days of being stolen so, there is a narrow opportunity for bikes to be recovered while they are being taken apart in public spaces and before they are sold and taken out of the city. These open-air chop shops can be seen throughout the city, but confronting the illegal activities that this practice supports is difficult without better tools to reduce the occurrences.

The problems that fuel bike theft include a lack of effective registration as bicycles are the only primary mode of transportation that does not require registration, which is a topic the city is currently evaluating as a result of an earlier council directive. Without registration, it is difficult for law enforcement to (1) confirm suspected theft in a certain situation, (2) seize property that has been acquired

¹ <http://www.longbeach.gov/police/media-library/documents/crime-info/statistics/2011-2016-year-end-crimestats/>



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unlawfully, (3) arrest suspects for theft, (4) successfully submit a case to the City Prosecutor for a criminal filing, or (5) return bicycles to their rightful owners.

Additionally, the city cannot regulate online marketplaces like Craigslist, Offer-Up, Nextdoor.com or eBay because there is no requirement to verify sellers, buyers, or record and report serial numbers which continues to be a problem in limiting the market for stolen bikes.

Many bikes that are stolen are quickly stripped of their parts and dismantled in public areas like parks, beaches, sidewalks, along river beds, under the pier or in parking lots. These bikes and parts are then sold illegally in exchange for money or controlled substances resulting in further detriments to our communities. These are highly visible crimes which tend to inflame the passion of many residents. If these occurrences were able to be addressed more directly the City would be able to mitigate the frustrations of residents who witness such activities, as well as better address the broader criminal law issues, which include possible prosecution, and connection of services through diversion and/or rehabilitation programs.

Furthermore, unaddressed chop shops often become areas that residents choose to avoid due to the lack of cleanliness, and they result in reduced access to public spaces due to nuisance activity taking up space on city sidewalks, park spaces, beaches, and business corridors. With the city's recent renewed emphasis on clean streets, groups of bikes and bike parts in our public space serves to weaken that commitment and harm general quality of life.

Additionally, per City of Long Beach municipal codes 10.22.150² and 5.16.020³ it is unlawful for any person on public streets, to construct or reconstruct any vehicle, or carry on the business of auto repair respectively. This ordinance sets a framework and precedent for the city to establish limitations on those doing the same activity on **multiple** bicycles in public space while still allowing for emergency repairs to be made to individual bicycles.

²https://library.municode.com/ca/long_beach/codes/municipal_code?nodeId=TIT10VETR_CH10.22PAEG_10.22.15OREVERE

³https://library.municode.com/ca/long_beach/codes/municipal_code?nodeId=TIT5REBUTRPR_CH5.16AUBU_ARTIIIAURESH



Prohibiting the activity of dismantling, reassembling, selling, and/or storing bicycles or bicycle parts in public by allowing our Police Department to work with Public Works to cite active violations and remove bicycles and bicycle parts from public right-of-ways when appropriate, will help keep our public space clear, and prevent unauthorized commercial activity in public space; and improve quality of life for all residents.

Through a city ordinance limiting the number of bicycles, bike parts, and bike frames that can be actively dismantled, reassembled, stored and/or sold in public spaces or public right-of-way we can improve residential quality of life, and further confront bike theft and the carry on effects. This ordinance is not intended to hinder or change the Public Works Department's current ability to notice and collect items abandoned in public other than actively disassembled, reassembled, sold, offered for sale, or stored bicycles or any other item under their current policies. It seeks to address acts of dismantling, reassembling, sales or offers for sale and authorizes the Public Works Department to remove items when police have cited the individual for a violation. Public Works retains its ability to proactively clean and notice locations for cleaning under its current policies, and with the addition of this proposed policy working with the Police Department when active violations are found and cited for.

RECOMMENDATION:

The City Council is requesting the City Manager and City Attorney draft an ordinance to prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts, under certain conditions and with certain exceptions; authorize the Public Works Department to work with the Police Department to remove bicycles and bicycle parts following notice of violations of this prohibition.

Suggestions to include in ordinance would include:

- No person being allowed to assemble, disassemble, sell, offer to sell, distribute or offer to distribute, or store in public space or rights-of-way:
 - five or more bicycles;
 - a bicycle frame with gears, cables, or brake cables cut;
 - three or more bicycles with missing parts (handlebars, wheels, forks, pedals, cranks, seats, or chains);
 - five or more bicycle parts;



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- An appropriate penalty for a violation of the section;
- Establishing legal bicycle repair locations (at established bike repair stands near bike paths);
- This prohibition would not apply when:
 - Person is operating under a valid business license or permit;
 - Owner of a bicycle is present during the repair of his or her single bicycle or bicycle part;
- Provide the person with a notice of violation that would include:
 - Date and location of violation;
 - Description of all collected items;
 - Instructions and a description of the process the person in possession of the items may pursue to recover the items by contesting the grounds for the notice;
 - A description of the process to recover the items after 30 days;
 - Name and signature of the enforcing Public Works or Police Department employees issuing the notice;
 - The ability to prosecute a violation of this ordinance as an infraction or a misdemeanor (woblett), to be determined by the City Prosecutor's office on a case-by-case basis.

FISCAL IMPACT:

There is no financial impact as a result of the recommended action of drafting an ordinance.