

CATEGORY: Policy

COMMITTEE: PHS & Homeless

PURPOSE: CIS "For" CF 21-1115

BACKGROUND:

On October 9, 2021, Helen Fallon, a Community Interest Stakeholder, contacted the PHS & Homeless Committee to "urge the Board to support the prohibition of Bicycle Chop Shops by filing a CIS supporting Council File 21-1115."

CF 21-1115 was referred to both the City Council Committees of Public Safety and Public Works.

Ms. Fallon stated that the motion:

...asks the city to create an ordinance prohibiting assembly, disassembly, sale, offer of sale, distribution of bicycles and bicycle parts on public property or within the public right of way similar to the one Long Beach has. (ordinance attached).

Considering that both the housed and unhoused are victimized by the criminals who use the encampments as cover for this illegal activity, please take action to communicate Mar Vista's support of this Council Motion.

During the PHS & Homeless Committee meeting on October 13, 2021 it was moved by Fallon, seconded by Wheeler, and passed 14 to 3, 1 abstains; abstentions do not count in the vote tally.

THE MOTION:

The MVCC is "FOR" CF 21-1115.

MOTION

Bicycle theft is a continuing problem across the City, with large numbers of bicycles being reported stolen each year, and even more being stolen but not reported to the authorities. Unfortunately, the majority of stolen bicycles are not recovered, due in large part to thieves quickly disassembling them and selling them. Bicycle "chop shops," spaces where individuals take apart stolen bicycles, sell parts and reassembled bicycles, operate across the City, often right in the public right-of-way. Thieves have little or no fear of repercussions, as this activity is not expressly illegal and police do not have the resources to check every bicycle being disassembled in the street against lists of those that have been reported stolen.

The City of Long Beach had similar issues, and in 2018, adopted an ordinance prohibiting the operation of bicycle "chop shops" on public property or within the public right-of-way, with specified exceptions for licensed businesses and for individuals making repairs or present while repairs are being made to their own bicycles.

I THEREFORE MOVE that the City Attorney be requested to prepare and present a draft ordinance to prohibit the assembly, disassembly, sale, offer of sale, distribution of bicycles and bicycle parts on public property or within the public right-of-way, modeled after a similar ordinance in the City of Long Beach.

PRESENTED BY:




JOE BUSCAINO
Councilmember, 15th District

SECONDED BY:



ORIGINAL

jwd

OCT 05 2021


OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 ORDINANCE NO. ORD-18-0027

2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY ADDING CHAPTER 10.49
6 RELATING TO THE PROHIBITION ON REPAIRS AND
7 SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC
8 PROPERTY
9

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

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

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

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

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

27 WHEREAS, in furtherance of this effort, on February 13, 2018, the City
28 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.

25
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:

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

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

8
9 10.49.030 – Severability.

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

17
18 Section 2. The City Clerk shall certify to the passage of this ordinance by
19 the City Council and cause it to be posted in three (3) conspicuous places in the City of
20 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
21 Mayor.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Long Beach, CA 90802-4664

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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 October 9, 2018, by the following vote:


Ayes: Councilmembers: Pearce, Price, Supernaw, Uranga,
Richardson, Andrews.

Noes: Councilmembers: None.

Absent: Councilmembers: Gonzalez, Mungo, Austin.



City Clerk



Mayor

Approved: 10/10/18
(Date)

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 10th day of October 2018, I posted three true and correct copies of Ordinance No. ORD-18-0027 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.



Subscribed and sworn to before me
This 10th day of October, 2018.



CITY CLERK