ORDINANCE NO. ORD-18-0027

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

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

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

CHAPTER 10.49
PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON
PUBLIC PROPERTY

10.49.010 – Repairs and sales on public property prohibited.

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

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

10.49.020 – Exceptions.

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

Approved: 10/10/18

(Date)

Mayor

City Clerk
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.

[Signature]
CITY CLERK