

ORDINANCE NO. 4219

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

WHEREAS, there were 4,242, reported bicycle thefts in Huntington Beach average over 471 instances per year between 2012 and 2020, and statistics show the number of actual thefts is likely much greater; and

WHEREAS, many of these bicycles are stolen and then dismantled in public areas in Huntington Beach and sold within days of being stolen. There is a narrow window for stolen 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 illegal activity; and

WHEREAS, creating a specific law for the removal of bicycles and/or bicycle parts from the public right-of-way and public property will add an enforcement tool to remove clutter from the public right-of-way and public property, prevent illegal commercial activity, and, if any bicycles or bicycle parts are lost or stolen, restore such items to their lawful owners and deter future bicycle theft; and

WHEREAS, in furtherance of this effort, on September 8, 2020, the City Council requested the City Manager and City Attorney to draft a law similar to the Long Beach 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 Huntington Beach does hereby ordain as follows:

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

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, or public property within the City:

- A. Three (3) or more bicycles;
- B. A bicycle frame with the gear cables or brakes cable 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 Huntington 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. All other provisions of Chapter _____ not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

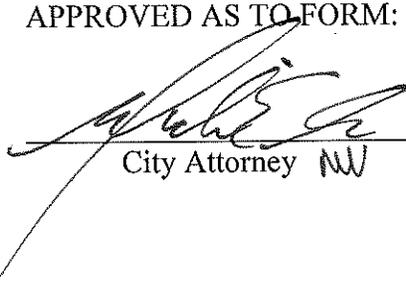
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2020.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk



City Attorney NW

INITIATED AND APPROVED:

City Manager