

LEGISLATIVE DRAFT

HBMC 10.49

10.49 Prohibition on Repairs and Sales of Bicycle Parts on Public Property

10.40.010 Repairs and Sales on Public Property

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.

10.40.020 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.

10.40.030 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.