

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANAHEIM ADDING CHAPTER 11.13 (PROHIBITION ON REPAIR AND SALES OF BICYCLES AND BICYCLE PARTS IN PUBLIC AREAS) TO TITLE 11 (PUBLIC PROPERTY) OF THE ANAHEIM MUNICIPAL CODE TO PROHIBIT BIKE SALES AND BIKE REPAIRS ON PUBLIC PROPERTY

WHEREAS, the City of Anaheim is a leader in Orange County in providing bicycle infrastructure, with miles of bicycle trails and pathways throughout the City;

WHEREAS, between June 17, 2023 and September 29, 2024, approximately 477 incidents of bicycle and bicycle part recovery in public areas, including in public parks, were documented throughout the City of Anaheim (“City”);

WHEREAS, the Anaheim Police Department frequently encounters bicycle chop shops in and around City of Anaheim parks and public spaces, where bicycles and parts are traded for illegal drugs and other items, contributing to the attraction of additional criminal activities in these areas;

WHEREAS, between 2019 and 2023, reported bicycle thefts in the City of Anaheim averaged 255 per year, for a total of 1,276 stolen bicycles. The actual number of thefts are believed to be much higher because many thefts go unreported;

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;

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 those items to their lawful owners and deter future bicycle thefts;

WHEREAS, the City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment as there is no possibility it will have a significant effect on the environment and it is not a "project", as defined in Section 15378 of the CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANAHEIM DOES ORDAIN AS FOLLOWS:

SECTION 1.

That Chapter 11.13 is hereby added to Title 11 of the Anaheim Municipal Code to read in full as follows:

## **“CHAPTER 11.13 PROHIBITION ON REPAIR AND SALES OF BICYCLES AND BICYCLE PARTS IN PUBLIC AREAS**

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### **11.13.010 Purpose and Intent**

.010 The purpose and intent of this Chapter is to prohibit the repair or sale of bicycles or bicycle parts in Public Areas in the City of Anaheim in order to protect the public from obstruction of Public Areas occurring as a result of persons utilizing public property, public sidewalks, public parks, and other Public Areas for the repair, dismantling, and sale of bicycles and bicycle parts. Further, the purpose and intent of this Chapter also includes a desire to decrease bicycle thefts and illegal or black market sales of bicycles and bicycle parts.

### **11.13.020 Repair and sales of bicycles and bicycle parts in Public Areas prohibited**

.010 Except where otherwise stated in this article, no person shall assemble, disassemble, sell, offer to sell, distribute, offer to distribute or store the following items in any Public Area within the City:

- (a) Three (3) or more bicycles;
- (b) A bicycle frame with the gear cables or brake cables that are inoperable, cut, or missing;
- (c) Two (2) or more bicycles with missing parts; or
- (d) Five (5) or more bicycle parts.

.020 For purposes of this Chapter, "parts" shall mean handlebars, wheels, forks, pedals, cranks, seats, chains, or any other items or components that are attached to a bicycle that are necessary for its operation.

.030 For purposes of this Chapter, "Public Area" means a public place, including, but not limited to, any public streets, alleys, public parking lots, public parks, public rights-of-way, parkways, public sidewalks, recreational areas or other publicly-owned or controlled property

.040 For purposes of this Chapter, "bicycle" shall include bicycle as defined in California Vehicle Code section 231 and electric bicycle as defined in California Vehicle Code section 312.5, as these sections are periodically amended.

.050 For purposes of this Chapter a person who was riding his or her bicycle and who has dismounted the bicycle in the Public Area for the purpose of repairing a tire or chain or other mechanism to render the bicycle operative shall not be in violation of this Chapter.

### **11.13.030 Exemptions**

.010 The prohibition contained in Section 11.13.020 shall not apply when:

- (a) An individual is operating under a valid City of Anaheim license or permit authorizing such activities; or

(b) The owner of a bicycle or bicycle part is present during the repair of the owner's 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 or receipt, the correct serial number or other identifying information unique to the bicycle, bicycle registration, or a bicycle license.

#### **11.13.040 Enforcement provisions**

.010 Notwithstanding any other provision in this Code, each violation of the provisions of this Chapter may be enforced alternatively as follows:

(a) A violation of this Chapter may be punishable as a misdemeanor or an infraction at the discretion of the City Attorney; or

(b) The City Attorney may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Chapter, as provided by law.”

#### SECTION 2. ENVIRONMENTAL DETERMINATION.

The City Council finds the introduction and adoption of this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to cause a physical change to the environment, directly or indirectly).

#### SECTION 3. SEVERABILITY.

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

#### SECTION 4. CERTIFICATION.

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

SECTION 5.            EFFECTIVE DATE.

This ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the \_\_\_\_ day of \_\_\_\_\_, 2024, and thereafter passed and adopted at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By: \_\_\_\_\_  
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF ANAHEIM  
153264.3/bmm