

## LEGISLATIVE DIGEST

[Police Code - Bicycle Chop Shops]

**Ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts, under certain conditions and with certain exceptions; authorize the Police Department (SFPD) to seize bicycles and bicycle parts following violations of this prohibition; and require SFPD to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure.**

### Existing Law

Local law does not currently prohibit the assembly, disassembly, sale, distribution, or offer of sale or distribution of bicycles and bicycle parts on the public rights-of-way or public property.

### Amendments to Current Law

The ordinance would prohibit any person from assembling, disassembling, selling, offering to sell, distributing, or offering to distribute on public property or in any public right-of-way (1) five or more bicycles; (2) a bicycle frame with the gear cables or brake cables cut; (3) three or more bicycles with missing bicycle “parts” (defined to mean handlebars, wheels, forks, pedals, cranks, seats, or chains); or (4) five or more bicycle parts. The prohibition would not apply to persons operating under a valid business license, instances where the owner is present during the repair of his or her single bicycle or bicycle part, bona-fide yard sales, events held by registered non-profits, or First Amendment activity.

The San Francisco Police Department (SFPD) would enforce the ordinance by issuing administrative citations and seizing items found to be in violation. SFPD would hold the items and return them to their owners upon written request. A person would be able to demonstrate ownership through a bill of sale, photographic evidence, a signed affidavit, or other reliable information. Items would be returned to their owners free of charge. But, if the person claiming ownership had consented to or participated in the violation, then SFPD would be able to condition the return of the seized items on the owner’s payment of an impound fee equal to SFPD’s actual cost of transporting and storing the items.

The ordinance would also create an administrative procedure for persons to challenge seizures and the imposition of impound fees.

### Background Information

Many bicycles are stolen in San Francisco every year, at great cost to local residents, and taken to open-air “chop shops” where they are disassembled, stripped of identifying

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information, and/or sold. The ordinance is intended to prohibit the operation of chop shops on public property and on the public rights-of-way, allow the SFPD to seize bicycles or bicycle parts from persons who operate chop shops, and restore those items to their rightful owners.

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