

**REVISED LEGISLATIVE DIGEST**

(7/25/2017, Amended in Board)

[Police Code - Bicycle Chop Shops]

**Ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, offer of distribution, or storage of bicycles and bicycle parts on the public right-of-ways, under certain conditions and with certain exceptions; authorize the Department of Public Works to remove and seize bicycles and bicycle parts following issuance of a notice of violation; and allow either the recipient of the notice or any other person who can demonstrate lawful ownership to retrieve the items from Public Works after 30 days.**

Existing Law

Local law allows the City to prevent unauthorized obstructions and unauthorized commercial activity on the public right-of-ways, but does not define procedures specific to the assembly, disassembly, sale, distribution, or storage of bicycles and bicycle parts.

Amendments to Current Law

The ordinance would prohibit any person from assembling, disassembling, selling, offering to sell, distributing, offering to distribute, or storing the following items on 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. This prohibition would not apply to persons operating under a valid business license or permit, instances where the owner is present during the repair of his or her single bicycle or bicycle part, or events held by registered non-profits.

The Department of Public Works would enforce the ordinance by issuing a notice of violation and then removing and seizing the items in question. Public Works would be required to seek assistance from the San Francisco Police Department (SFPD) if the recipient of the notice of violation were to prevent Public Works from removing and seizing the items. Thereafter, the recipient of the notice could retrieve the items from Public Works by contesting the grounds for the notice in a hearing in which the City would bear the burden of proof to establish the violation. In the alternative, the recipient could retrieve the items from Public Works after 30 days upon payment of an impound fee equal to the actual cost to Public Works of removing and storing the items.

If a third party provided Public Works evidence that they were the lawful owner of the seized items, Public Works would first wait until 30 days after the date of the notice of violation, to allow the recipient of the notice to submit a claim to retrieve the items. If the recipient of the notice did not submit a claim by that time, Public Works would allow the third party to retrieve

the items at no charge. But, if the recipient of the notice were to submit a claim prior to retrieval by the third party, such that there were multiple conflicting claims for the item, then Public Works would refer the matter to SFPD for investigation and on SFPD's request would deliver the items to SFPD. If SFPD declined to request delivery of the items within 30 days of the referral, Public Works would return the items to recipient of the notice.

Any unclaimed items remaining in Public Works custody 60 days after the date of the notice of violation would be deemed abandoned and could be discarded or destroyed.

#### Background Information

Many bicycles and bicycle parts appear at open-air "chop shops" on City Streets, where they are disassembled, stripped of identifying information, stored, and/or sold. The ordinance is intended to prohibit the operation of chop shops on the public rights-of-way, and if any items are lost or stolen facilitate their return to their lawful owners.

n:\legana\as2017\1600467\01208928.docx