

ORDINANCE NO. 181495

An Ordinance regulating the parking of mobile billboard advertising displays on public streets or any public lands in the City, as authorized under Subdivision (m) of Section 21100 of the California Vehicle Code.

The City finds and declares the following:

WHEREAS, the City has experienced a surge in mobile billboard advertising displays which are attached to vehicles or trailers that are then driven to a location where they are detached and parked on City streets for hours, and often several days;

WHEREAS, mobile billboard advertising displays are not only a visual blight, but also pose significant safety hazards when motorists are forced to veer around them into the next lane of traffic, or forced to come to sudden stops when these unhitched trailers are pushed into traffic lanes by the wind or by vandals;

WHEREAS, mobile billboard advertising displays reduce available on-street parking and impair the visibility of pedestrians and drivers;

WHEREAS, mobile billboard advertising displays are a public nuisance that are routinely vandalized, diminishing the aesthetic appearance of the City and the quality of life of its residents;

WHEREAS, the California Legislature has amended Section 21100 of the California Vehicle Code to allow local authorities to adopt rules and regulations by ordinance or resolution regulating mobile billboard advertising displays, as defined in Section 395.5 of the California Vehicle Code, including the establishment of penalties, which may include, but are not limited to, removal of the mobile billboard advertising display and misdemeanor criminal penalties, for a violation of the ordinance or resolution;

WHEREAS, the California Legislature has amended Subdivision (v)(1) of Section 22651 of the California Vehicle Code to allow a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, to remove a vehicle located within the territorial limits when a vehicle is a mobile billboard advertising display, as defined in Section 395.5 of the California Vehicle Code, and is parked or left standing in violation of a local resolution or ordinance adopted pursuant to Subdivision (m) of Section 21100, if the registered owner of the vehicle was previously issued a warning citation for the same offense;

WHEREAS, the California Legislature has amended Subdivision (v)(2) of Section 22651 of the California Vehicle Code, notwithstanding Subdivision (a) of Section 22507, to allow a city or county, in lieu of posting signs noticing a local ordinance prohibiting

mobile billboard advertising displays adopted pursuant to Subdivision (m) of Section 21100, to provide notice by issuing a warning citation advising the registered owner of the vehicle that he or she may be subject to penalties upon a subsequent violation of the ordinance, that may include the removal of the vehicle as provided in paragraph (1) of Subdivision (v) of Section 22651; and

WHEREAS, the California Legislature has amended Subdivision (v)(2) of Section 22651 of the California Vehicle Code so that a city or county is not required to provide further notice for a subsequent violation prior to the enforcement of penalties for a violation of a local ordinance as authorized under Subdivision (m) of Section 21100 of the California Vehicle Code.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 87.53 is added to Chapter VIII, Division T of the Los Angeles Municipal Code to read as follows:

SEC. 87.53. REGULATION OF MOBILE BILLBOARD ADVERTISING DISPLAYS.

It shall be unlawful for any person to park a mobile billboard advertising display, as defined under Section 395.5 of the California Vehicle Code, on any public street or public lands in the City of Los Angeles.

(a) Mobile Billboard Advertising Display Definition.

Section 395.5 of the California Vehicle Code applies to this chapter with respect to the definition of a mobile billboard advertising display. Section 395.5 of the California Vehicle Code is incorporated by reference and states:

“395.5. A "mobile billboard advertising display" means an advertising display that is attached to a wheeled, mobile, non-motorized vehicle, that carries, pulls, or transports a sign or billboard, and is for the primary purpose of advertising.”

(b) Removal of Mobile Billboard Advertising Displays Authorized.

Pursuant to Section 22651, Subdivision (v), of the California Vehicle Code, any peace officer, or any regularly employed and salaried employee of the City, who is engaged in directing traffic or enforcing parking laws and regulations in which the mobile billboard advertising display is located may remove the mobile billboard advertising display located within the territorial limits of the City when the mobile billboard advertising display is found upon any public street or any public lands, if all of the following requirements are satisfied:

1. When a vehicle is a mobile billboard advertising display, as defined in Section 395.5 of the California Vehicle Code, and is parked or left standing in violation of this Code, if the registered owner of the vehicle was previously issued a warning citation for the same offense;
2. A warning citation was issued to a first-time offender at least 24 hours prior to the removal of the vehicle. The City is not required pursuant to Section 22651(v)(2) of the California Vehicle Code to provide further notice for a subsequent violation prior to enforcement; and
3. The warning citation advised the registered owner of the vehicle that he or she may be subject to penalties upon a subsequent violation of the ordinance that may include the removal of the vehicle.

(c) Post Storage Impound Hearing.

Section 22852 of the California Vehicle Code applies to this Section with respect to the removal of any mobile billboard advertising display vehicle. Section 22852 is incorporated by reference as if set forth in full herein and provides, in summary, that whenever an authorized member of a public agency directs the storage of a vehicle, the City shall direct the storage operator to provide the vehicle's registered and legal owner(s) of record, or their agent(s), with the opportunity for a post-storage hearing to determine the validity of the storage. Notice of the storage shall be mailed or personally delivered to the registered and legal owner(s) within 48 hours, excluding weekends, as specifically provided for under Section 22852 of the California Vehicle Code. To receive a post-storage hearing, the owner(s) of record, or their agent(s), must request a hearing in person, in writing, or by telephone within ten days of the date appearing on the notice. The City may authorize its own officer or employee to conduct the hearing as long as the hearing officer is not the same person who directed the storage of the vehicle.

(d) Violation – Penalties.

After the initial warning citation, a subsequent offense of this Section is a misdemeanor, punishable by a fine of not less than Two Hundred Fifty Dollars (\$250) nor more than One Thousand Dollars (\$1,000), or by imprisonment in the county jail for not more than six months, or by both fine and imprisonment. The City Council may establish from time to time by resolution an increase in the amount of the fine.

(e) Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, 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 and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 2. Based on the findings set forth above, the Council adopts this ordinance as an urgency ordinance that is required for the preservation of the public peace, health and safety. This ordinance shall become effective upon publication.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of DEC 17 2010.

JUNE LAGMAY, City Clerk

By  Deputy

Approved DEC 22 2010

 Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
MICHAEL D. NAGLE
Deputy City Attorney

Date Dec. 20, 2010

File No. 09-2140-51