

ORDINANCE NO. _____

An ordinance amending Section 87.53 of the Los Angeles Municipal Code regulating mobile billboards.

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

Section 1. Section 87.53 of the Los Angeles Municipal Code is amended in its entirety 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, either standing alone or attached to a motor vehicle, 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: "mobile billboard advertising display" means an advertising display that is attached to a mobile, non-motorized vehicle, device, or bicycle 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.** Any peace officer or any regularly employed and salaried employee of the City who is authorized to engage and is engaged in directing traffic or enforcing parking laws and regulations may remove, or cause to be removed, the mobile billboard advertising display, and anything that the mobile billboard display is attached to including a motor vehicle, 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 the following requirements are satisfied:

1. Pursuant to Section 22651, Subdivision (v), of the California Vehicle Code, when a non-motorized vehicle is the mobile billboard advertising display that violates this section, the non-motorized vehicle, and anything that the non-motorized vehicle is attached to including a motor vehicle, may be removed if the registered owner of the vehicle was previously issued a warning citation for the same offense and, if a first-time offender, the warning citation was issued at least 24 hours prior to the removal of the vehicle. The warning citation shall advise 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.

2. Pursuant to Section 21100, Subdivision (m), of the California Vehicle Code, when a device or bicycle is the mobile billboard advertising display that violates this section, the device or bicycle may be removed 24 hours after the posting of a one-time warning notice on the device or bicycle. No warning notice is required before removal if the device or bicycle was parked or placed by a person, or parked or placed at the direction of a person, who had previously received a warning notice. The warning notice shall state that no further warning notice is required prior to removal of a device or bicycle in violation of this section, including if found at any other location in the City in violation of this section, and that subsequent violations of this section may subject the owner to penalties. If the device or bicycle is removed, a removal notice shall be posted as close to the location of the removed device or bicycle as reasonable. The removal notice shall state that the device or bicycle has been removed for violating this section, provide information on how the owner can claim the device or bicycle, and state that the City may dispose of the device or bicycle after 90 days of storage.

(c) **Post-Storage Hearing for Impounded Non-Motorized Vehicle.** Section 22852 of the California Vehicle Code applies to this section with respect to the removal of any non-motorized vehicle that is a mobile billboard advertising display. Section 22852 is incorporated by reference as if set forth in full herein and provides, in summary, that whenever an authorized employee of the City 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 with respect to a non-motorized vehicle, or a warning notice with respect to any device or bicycle, a subsequent offense of this section is a misdemeanor, punishable upon conviction by a fine of not less \$250, nor more than \$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 subsection, sentence, clause, or phrase of this section is for any reason held to be invalid or unconstitutional by a court of 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 adopted this section, and each and every 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. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety. In order to protect the public peace and safety, it is necessary that the amendments to the Los Angeles Municipal Code, as reflected in this ordinance and pursuant to Los Angeles City Charter Section 253, 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 of its members, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Michael D. Nagle
MICHAEL D. NAGLE
Deputy City Attorney

Date 8/21/2017

File No. _____