

City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 2 - 0 3 9 1

DEC 0 7 2012

REPORT RE:

**DRAFT ORDINANCE AMENDING LOS ANGELES MUNICIPAL CODE
SECTION 87.54 TO CONFORM TO RECENT AMENDMENTS MADE BY THE STATE
LEGISLATURE TO CALIFORNIA VEHICLE CODE SECTION 21100(p)(2)
REGULATING ADVERTISING DISPLAYS ON MOTOR VEHICLES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 11-1532

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Los Angeles Municipal Code Section 87.54 to conform to recent amendments made by the State Legislature to California Vehicle Code Section 21100(p)(2) regulating advertising displays on motor vehicles. The draft ordinance is being transmitted as an urgency ordinance.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael Nagle at (213) 978-8141. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:MN:fa
Transmittal

M:\GENERAL COUNSEL DIVISION\MICHAEL NAGLE\REPORTS TO COUNCIL\Transmittal Re LAMC Section 87.54 amendment.doc

ORDINANCE NO. _____

An ordinance amending Los Angeles Municipal Code Section 87.54 to conform to recent amendments made by the State Legislature to California Vehicle Code Section 21100(p)(2) regulating advertising signs on motor vehicles.

The City finds and declares the following:

WHEREAS, temporary signs affixed to motor vehicles pose a significant public safety risk, particularly when the vehicle is involved in a collision or is parked or driven during high wind conditions; and

WHEREAS, advertising signs improperly attached to a motor vehicle or placed entirely over the windows of the motor vehicle or that exceed the length, width or height of the vehicle pose a safety risk to vehicular traffic and to pedestrians; and

WHEREAS, the City, in adopting this ordinance, finds, and in the past has found, that “permanently affixed signs” for purposes of enforcement under this ordinance means that signs must be painted directly on the body of the vehicle, or decaled on the body of the vehicle, or placed in a location on the body of the vehicle that was specifically built by a registered manufacturer, in compliance with both federal and state safety guidelines or law, for the express purpose of containing an advertising sign; and

WHEREAS, the State Legislature recently amended Section 21100(p)(2) of the California Vehicle Code to adopt, with minor changes, the City’s definition of “permanently affixed signs,” stating that “permanently affixed” means any of the following: (a) painted directly on the body of a motor vehicle; (b) applied as a decal on the body of a motor vehicle; (c) placed in a location on the body of a motor vehicle that was specifically designed by a vehicle manufacturer as defined in California Vehicle Code Section 672 and licensed pursuant to California Vehicle Code Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign; and

WHEREAS, the State Legislature further amended California Vehicle Code Section 21100(p)(2) to allow an advertisement on a license plate frame and/or a paper advertisement issued by a motor vehicle dealer contained within a license plate frame, as long as the license plate frame has been installed in compliance with California Vehicle Code Section 5201.

NOW, THEREFORE,

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

Section 1. Section 87.54 of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 87.54. REGULATION OF ADVERTISING SIGNS ON MOTOR VEHICLES
PARKED OR LEFT STANDING ON CITY STREETS OR PUBLIC LANDS.**

A motor vehicle may contain advertising signs that are painted directly upon or are permanently affixed to the body of, an integral part of, or fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle. "Permanently affixed" means any of the following: (a) painted directly on the body of a motor vehicle; (b) applied as a decal on the body of a motor vehicle; (c) placed in a location on the body of a motor vehicle that was specifically designed by a vehicle manufacturer as defined in California Vehicle Code Section 672 and licensed pursuant to California Vehicle Code Section 11701, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign. A license plate frame installed in compliance with California Vehicle Code Section 5201 may contain an advertisement on that license plate frame and/or a paper advertisement contained within the license plate frame if the paper advertisement was issued by a motor vehicle dealer. A motor vehicle in violation of this Section may be impounded pursuant to California Vehicle Code Section 22651(w), Subsections (1) and (2).

(a) **Post Storage Impound Hearing.** Section 22852 of the California Vehicle Code applies to this Section with respect to the removal of any motor vehicle pursuant to California Vehicle Code Section 22651(w)(1). 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.

(b) **Violation - Penalties.** After the initial warning citation, a subsequent offense of this Section is a misdemeanor, punishable upon conviction by a fine of not less than Two Hundred Fifty Dollars (\$250.00), nor more than One Thousand Dollars (\$1,000.00), 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.

(c) **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 Section. 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.** 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. Pursuant to Charter Section 253, 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 _____.

JUNE LAGMAY, City Clerk

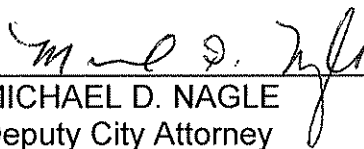
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  _____
MICHAEL D. NAGLE
Deputy City Attorney

Date 12/6/2012

File No. CF 11-1532