MOTION BY SUPERVISORS KNABE AND MOLINA July 5, 2011

On June 21, 2011, this Board continued an ordinance for adoption amending the County Code, Title 15 - Vehicles and Traffic, relating to the restriction of parking vehicles for the purpose of advertising or displaying such vehicles for sale upon certain major streets in the unincorporated areas of the County.

As the activity is most prevalent on the more visible, popular streets and heavily traveled streets which attract the greatest amount of potential buyers, it is necessary to make restrictions against such parking potentially applicable to all major and secondary highways in order to address possible migration of the activity to various other locations on such highways, as well as to impose such restrictions on other enumerated highway segments.

The ordinance should accordingly be expanded to include all locations on a major or secondary highway, which are posted with signage reflecting the restriction, based on a determination by the Department of Public Works that traffic, congestion, and nuisance activity at such location requires the imposition of the limitation, as well as any other location on a non-major or non-secondary highway in the unincorporated area of the County that has already been identified as a location impacted by this activity and which is posted with signage.

WE, THEREFORE, MOVE that the Board of Supervisors, introduce, waive reading, and place on the agenda for adoption, the attached amended ordinance which was prepared by County Counsel with the above mentioned objectives.

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MOTION

MOLINA _____

RIDLEY-THOMAS _____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

ANALYSIS

This ordinance amends Title 15 - Vehicles and Traffic of the Los Angeles County Code, relating to restriction of parking of vehicles for the purpose of advertising or displaying such vehicles for sale upon certain streets in the County.

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SJS:sh

03/23/11 (Requested)

06/27/11 (Revised)

HOA.778620.6

ORDINANCE NO. _____

An ordinance amending Title 15 – Vehicles and Traffic of the Los Angeles County Code, relating to restriction of parking of vehicles for the purpose of advertising or displaying such vehicles for sale upon certain streets in the County.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 15.64.340 is hereby deleted in its entirety:

~~**15.64.340 Parking vehicles for sale or rent.**~~

~~A person shall not park any vehicle or cause any vehicle to be parked on any highway for the purpose of displaying such vehicle or equipment on such vehicle for either sale or rent.~~

SECTION 2. Section 15.64.340 is hereby added to read as follows:

15.64.340 Legislative Findings.

A. The County of Los Angeles has experienced a proliferation of used vehicles being parked or left idle on public streets for the purpose of advertising or displaying such vehicles for sale, resulting in a negative impact on the County, its residents, and businesses.

B. The California courts have ruled that a city or county may reasonably regulate the time, place, and manner in which its public streets are used for the sale of vehicles.

C. The California legislature enacted Section 22651.9 of the California Vehicle Code ("CVC") authorizing cities and counties to remove and impound vehicles with "for sale" signs from designated streets or public lands.

D. Section 22651.9(a) of the CVC authorizes the removal and impoundment of vehicles when all of the following requirements are met:

1. Because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to advertise to the public the private sale of that vehicle;

2. Within the past 30 days, the vehicle is known to have been previously issued a notice of parking violation, under local ordinance, which was accompanied by a notice containing all of the following:

a) A warning that an additional parking violation may result in the impoundment of the vehicle;

b) A warning that the vehicle may be impounded pursuant to Section 22651.9, even if moved to another street so long as the signs or placards offering the vehicle for sale remain on the vehicle;

c) A listing of the streets or public lands subject to the regulation or ordinance adopted pursuant to Section 22651.9(a)(4);

3. The notice of parking violation was issued at least 24 hours prior to the removal of the vehicle; and

4. The local authority of the city, county, or city and county has, by resolution or ordinance, authorized the removal of vehicles pursuant to Section 22651.9 from the street or public lands on which the vehicle is located.

E. The California Department of Motor Vehicles ("DMV") conducted a survey of its eight DMV Investigation Offices ("DMV Survey") throughout Los Angeles County in

August 2010 to document the issues its investigators were seeing in the field related to vehicles parked for purposes of sale on certain streets in the County.

F. The data gathered from the DMV Survey substantiates the continuing and pervasive problem unlicensed vehicle sales pose to the community, and serves as a sound factual basis for the need to adopt an ordinance to regulate the sales of cars on the public rights-of-way.

G. The DMV Survey noted significant health and safety issues, dangerous traffic conditions, and additional issues and concerns related to vehicles parked for purposes of sale on certain streets in the County.

H. Based on the DMV Survey results, activity reported by law enforcement, and community complaints, the Board of Supervisors seeks to impose reasonable restrictions by prohibiting the parking of vehicles for the primary purpose of advertising or displaying such vehicles for sale upon certain streets within the unincorporated areas of the County.

I. The Board of Supervisors finds and determines that the restrictions imposed by this ordinance upon the parking of vehicles upon the designated streets for the purpose of advertising or displaying such vehicles for sale are necessary to protect the general health, safety, and welfare of the community, and specifically finds:

1. The unrestricted parking of vehicles for such commercial purposes causes passing motorists to slow down or stop to obtain information on the signage on the parked vehicles, causes motorists to illegally "double park" next to such vehicles and get out of their cars to examine the vehicles thereby blocking traffic, and

encourages jaywalking across streets for prospective buyers to inspect the vehicles, thereby creating dangerous traffic conditions for other motorists and pedestrians alike in the County;

2. The unrestricted parking of vehicles for such commercial purposes increases the potential for vehicle burglaries and other crimes, stolen vehicle sales, other unlicensed/uninsured/unregulated vehicle activities, attracts illegal street vendors, detrimentally impacts the image of the County, and creates an increased need for police service in the areas of the County in which the parking for sale occurs;

3. The unrestricted parking of vehicles for such commercial purposes has brought about health hazards to the community due to activities reported by the DMV such as drug and alcohol use, urination in public, and the dumping of trash in the surrounding community, which creates a health hazard and negatively impacts property values;

4. The unrestricted parking of vehicles for such commercial purposes adversely affects the public welfare as it attracts other illegal activity such as the sale of vehicles to innocent purchasers with mechanical and/or ownership document problems causing harm to the citizens of the County;

5. The unrestricted parking of vehicles for such commercial purposes detrimentally impacts existing businesses and residences by reducing and/or eliminating the number of parking spaces on public streets which are available to business patrons, residents, occupants, and guests in the vicinity of such parked vehicles;

6. The unrestricted parking of vehicles for such commercial purposes is being done by individuals who are conducting business without a state dealers' license, thereby undercutting duly-licensed vehicle sales businesses that are in compliance with state law;

7. The unrestricted parking of vehicles for such commercial purposes negatively impacts the County's infrastructure by requiring additional street maintenance and repair by the County Department of Public Works, as well as additional monitoring by the County Sheriff's Department without the receipt of any County revenue; and

8. As the activity is most prevalent on the more visible, popular, and heavily traveled streets which attract the greatest amount of potential buyers, it is necessary to make restrictions against such parking potentially applicable to all major and secondary highways in order to address possible migration of the activity to various other locations on such highways, as well as to impose such restrictions on other enumerated highway segments.

J. The purpose of this ordinance is to narrowly restrict the parking of vehicles for sale at the locations identified in Section 15.64.341 in order to protect the health and safety of the public in general, the interests of duly-licensed vehicle dealers, and the interests of businesses and residents located in the vicinity of these streets.

SECTION 3. Section 15.64.341 is hereby added to read as follows:

15.64.341 Displaying Vehicle for Sale - Prohibited on Certain County Streets.

No person shall park or leave standing any motor vehicle with a sign or placard on such vehicle at any of the locations listed below which makes it appear that the primary purpose for parking such vehicle at that location is to advertise to the public the private sale of such vehicle:

A. Any location on a major highway or secondary highway, as defined in Sections 22.08.130 M or 22.08.190 S, respectively, of the Los Angeles County Code, which is posted with signage reflecting the prohibition, based upon a determination by the Department of Public Works that one or more of the conditions described in Section 15.64.340(I)(1)-(7) exists at such location.

B. The following additional highway segments, which are posted with signage reflecting the prohibition, based upon a determination by the Department of Public Works that one or more of the conditions described in Section 15.64.340(I)(1)-(7) exists at such locations:

83rd Street (Florence-Firestone):

- North side of 83rd Street between Croesus Avenue and Alameda Street; and
- South side of 83rd Street between Lou Dillon Avenue and Alameda Street.

85th Street (Florence-Firestone):

- Both sides of 85th Street between Lou Dillon Avenue and Alameda Street.

Allen Avenue (Altadena):

- Both sides of Allen Avenue between Altadena Drive and New York Drive.

Altadena Drive (Altadena):

- Both sides of Altadena Drive between Casitas Avenue and New York Drive.

Batson Avenue (Rowland Heights):

- Both sides of Batson Avenue between Colima Road and Los Palacios Drive.

Broadway (Walnut Park):

- Both sides of Broadway between Santa Fe Avenue and Seville Avenue.

Burgess Avenue (South Whittier):

- Both sides of Burgess Avenue between Leffingwell Road and Imperial Highway.

Butler Avenue (East Rancho Dominguez):

- Both sides of Butler Avenue between Compton Boulevard and Myrrh Street.

Castaic Road (Castaic):

- Both sides of Castaic Road between its northerly terminus and Lake Hughes Road.

Clark Avenue (Hacienda Heights):

- South side of Clark Avenue between 7th Avenue and Turnbull Canyon Road.

Daisetta Street (Rowland Heights):

- Both sides of Daisetta Street between Nogales Street and its westerly terminus.

Fullerton Road (Rowland Heights):

- Both sides of Fullerton Road east frontage road between Los Palacios Drive and its northerly terminus.

Gage Avenue (East Los Angeles):

- Both sides of Gage Avenue between Dozier Street and Cesar Chavez Avenue.

Gale Avenue (Hacienda Heights):

- Both sides of Gale Avenue north frontage road between 250 feet west of Doverfield Avenue and Kinbrae Avenue; and
- Both sides of Gale Avenue south frontage road between 260 feet west of Finegrove Avenue and 130 feet east of Latchford Avenue.

Hacienda Boulevard (La Habra Heights):

- Both sides of Hacienda Boulevard east frontage road between Villa Rita Drive and Janine Drive.

Huntington Drive (East Pasadena/East San Gabriel):

- Both sides of Huntington Drive between San Gabriel Boulevard and the City of Arcadia boundary (1,300 feet east of Jackson Place).

Jellick Avenue (Rowland Heights):

- Both sides of Jellick Avenue between Colima Road and Los Manchos Drive.

Juniper Street (Florence-Firestone):

- Both sides of Juniper Street between Manchester Avenue and 97th Street.

Lake Avenue (Altadena):

- Both sides of Lake Avenue between Loma Alta Drive and Altadena Drive.

Lennox Boulevard (Lennox):

- Both sides of Lennox Boulevard between La Cienega Boulevard and Inglewood Avenue.

Lincoln Avenue (Altadena):

- Both sides of Lincoln Avenue between La Vina Lane and Altadena Drive.

Loma Alta Drive (Altadena):

- Both sides of Loma Alta Drive between Lincoln Avenue and Lake Avenue.

Marine Avenue (El Camino Village):

- Both sides of Marine Avenue south frontage road between Gerkin Avenue and the Dominguez Channel.

Mariposa Street (Altadena):

- Both sides of Mariposa Street between Fair Oaks Avenue and Lake Avenue.

Mines Street (East Los Angeles):

- Both sides of Mines Street between Burger Avenue and Olympic Boulevard.

Rowan Avenue (East Los Angeles):

- Both sides of Rowan Avenue between Cesar Chavez Avenue and 1st Street.

Sadler Avenue (East Los Angeles):

- Both sides of Sadler Avenue between Hubbard Street and Whittier Boulevard.

The Old Road (Valencia):

- Both sides of The Old Road between Red Oak Court and Victoria Road.

Vineland Avenue (Valinda Corridor):

- East side of Vineland Avenue between Nelson Avenue and Temple Avenue;
- West side of Vineland Avenue between Temple Avenue and Ector Street;
- East side of Vineland Avenue between Temple Avenue and Amar Road; and
- Both sides of Vineland Avenue between Amar Road and the City of Baldwin Park boundary (3,150 feet north of Amar Road).

Westman Avenue (West Whittier):

- Both sides of Westman Avenue between the City of Santa Fe Springs boundary (150 feet north of Lochinvar Street) and Waddell Street.

Windsor Avenue (Altadena):

- Both sides of Windsor Avenue between Ventura Street and Mountain View Street.

SECTION 4. Section 15.64.342 is hereby added to read as follows:

15.64.342 Notice of Parking Violation/Authorization For Removal of a Vehicle Advertising the Private Sale of that Vehicle.

A vehicle found to be in violation of Section 15.64.341 shall be issued a notice of parking violation. Pursuant to Section 22651.9(a)(4) of the CVC, any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee, who is engaged in directing

traffic or enforcing parking laws and regulations of the County, may remove a vehicle located within the unincorporated area of the County which is in violation of this section, if all of the following requirements are satisfied:

1. Because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location listed in Section 15.64.341 is to advertise to the public the private sale of that vehicle;

2. Within the past 30 days, the vehicle is known to have been previously issued a notice of parking violation for violating Section 15.64.341, which was accompanied by a notice containing all of the following:

a) A warning that an additional parking violation may result in the impoundment of the vehicle;

b) A warning that the vehicle may be impounded pursuant to Section 22651.9 of the CVC, even if moved to another street listed in Section 15.64.341 so long as the signs or placards offering the vehicle for sale remain on the vehicle; and

c) A listing of the streets contained in Section 15.64.341.

3. The notice of parking violation was issued at least 24 hours prior to removal of the vehicle.

SECTION 5. Section 15.64.343 is hereby added to read as follows:

15.64.343 Post Storage Impound Hearing.

Section 22852 of the CVC applies to this section with respect to the removal of any vehicle in violation of Section 15.64.342. 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 County 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 CVC. 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 10 days of the date appearing on the notice. The County 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.

[1564340SSCC]