



STAFF REPORT

Meeting Date: June 16, 2015
To: Honorable Mayor & City Council
From: Kevin Kearney, Senior Management Analyst
Subject: Restricting Mobile Billboards within the City of Beverly Hills
Attachments: 1. Draft Ordinance

INTRODUCTION

The proposed draft ordinance restricts mobile billboard advertising in order to promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the City. In addition, prohibiting mobile billboards would be consistent with the City's long term policy of regulating billboards on private properties throughout the City. Should the Council decide to move forward with the proposed ordinance, this item will be placed on the agenda at a subsequent City Council regular meeting for formal consideration.

DISCUSSION

The Vehicle Code expressly authorizes cities to adopt rules and regulations regarding mobile billboard advertising displays and advertising signs on motor vehicles parked or left standing on the street. Other cities, such as West Hollywood, have restricted mobile billboards. The Vehicle Code defines a mobile billboard advertising display as an advertising display that is attached to a mobile, non-motorized vehicle that carries, pulls, or transports a sign or billboard and is for the primary purpose of advertising. These mobile billboards can affect the aesthetic appearance of the City. They also conflict with the environmental goals of the City, as they consume precious fuel, contribute to air pollution, and add to traffic congestion.

This ordinance restricts "Mobile Billboard Advertising Displays" that are for the primary purpose of advertising. The Vehicle Code exempts motor vehicles that have advertising that does not extend beyond the overall length, width, or height of the vehicle, and that is (1) painted on, (2) applied as a decal to the body of the vehicle, or (3) placed in a location on the body of a motor vehicle that was specifically designed by a licensed vehicle manufacturer, in compliance with both state and federal laws/guidelines. The City already has strict restrictions for billboards on buildings and signs that move, rotate, reflect or simulate motion in any manner, so restricting mobile billboards would align with the City's regulations on advertisement signs.

Restrictions through this proposed ordinance would make it unlawful to transport or park a mobile billboard upon any public street or any other public place. Implementation of

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this ordinance would provide the Police Department with enforcement abilities through misdemeanor citations. Code Enforcement and the Police Department would also be given the authority to remove a mobile billboard parked on a public street or public property after an initial warning citation has been issued.

This Ordinance is in line with the authorization given to cities under the Vehicle Code. Cities have little flexibility to expand regulations beyond the scope authorized under the Vehicle Code.

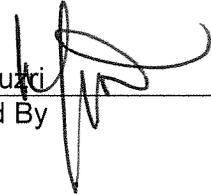
FISCAL IMPACT

This proposed ordinance does not have significant budget or fiscal impacts to the City.

RECOMMENDATION

It is recommended that the City Council direct staff on whether or not they wish to restrict mobile billboards within the City. Should the Council decide to move forward with the proposed ordinance, this item will be placed on the agenda at a subsequent City Council regular meeting for formal consideration.

Mahdi Aluzri
Approved By



Attachment 1

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING MOBILE BILLBOARD ADVERTISING DISPLAYS AND ADVERTISING ON VEHICLES

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council hereby adds Article 5 (“Mobile Billboard Advertising Displays and Advertising on Vehicles”) to Chapter 2 (“TRAFFIC REGULATIONS”) of Title 7 (“TRAFFIC, PARKING, AND PUBLIC TRANSPORTATION”) of the Beverly Hills Municipal Code to read as follows:

“Article 5. Mobile Billboard Advertising Displays and Advertising on Vehicles.

7-2-501: PURPOSE

The purpose of this Article is to eliminate Mobile Billboard Advertising Displays and advertising on vehicles within the city to promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the city. This ordinance is adopted pursuant to California Vehicle Code Sections 21100(m) and (p).

7-2-502: DEFINITION

“Mobile Billboard Advertising Display” means an advertising display that is attached to a mobile, nonmotorized vehicle, device, or bicycle, that carries, pulls, or transports a sign or billboard, and is for the primary purpose of advertising.

7-2-503: PROHIBITION

A. It shall be unlawful for any person to transport, cause to be transported, park or leave standing any Mobile Billboard Advertising Display upon any public street, or other public place within the city in which the public has the right of travel.

B. It shall be unlawful for any person to park or leave standing upon a public street any motor vehicle with an advertising sign on the motor vehicle, except for: (1) advertising signs that are permanently affixed to the body of, an integral part of, or a mixture of the motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle; or (2) paper advertisements issued by a dealer contained within a license plate frame or any advertisements on a license plate frame, if the license plate frame is properly installed in compliance with Section 5201 of the Vehicle Code,

(i) As used in paragraph (B), "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; or

(c) Placed in a location on the body of a motor vehicle that was specifically designed by a licensed vehicle manufacturer, in compliance with both state and federal law or guidelines, for the express purpose of containing an advertising sign.

7-2-504: PENALTIES

A. Any peace officer, or any regularly employed and salaried city employee who is engaged in directing traffic or enforcing parking laws and regulations, may remove a Mobile Billboard Advertising Display or a vehicle with an advertising sign on it if:

(1) The Mobile Billboard Advertising Display or vehicle is parked or left standing upon any public street or public property within the City in violation of this article; and

(2) The registered owner of the Mobile Billboard Advertising Display or vehicle was previously issued a warning citation for a previous violation of this article that notified such registered owner that he or she may be subject to penalties that may include removal of the Mobile Billboard Advertising Display or vehicle upon a subsequent violation of this article.

B. A violation of this article is a misdemeanor, punishable pursuant to Article 1 of Chapter 3 of Title 1 of this Code.

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the city within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the city Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

Effective:

JULIAN A. GOLD, M.D.
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

Approved as to form:

Approved as to content:

LAURENCE S. WIENER
City Attorney

MAHDI ALUZRI
Interim City Manager