



AGENDA REPORT

Meeting Date: August 4, 2015

Item Number: D-7

To: Honorable Mayor & City Council

From: Laurence S. Wiener, City Attorney

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

Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the City Council move to waive the full reading and adopt the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING MOBILE BILLBOARD ADVERTISING DISPLAYS AND ADVERTISING ON VEHICLES".

INTRODUCTION

This ordinance regulates 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.

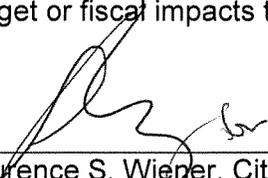
DISCUSSION

At its meeting of July 21, 2015, the City Council conducted a first reading of this ordinance and introduced it.

July 23, 2015

FISCAL IMPACT

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



Laurence S. Wiener, City Attorney

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:

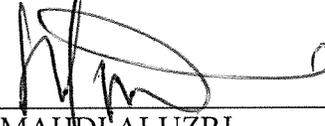
_____(SEAL)
BYRON POPE
City Clerk

Approved as to form:

 for

LAURENCE S. WIENER
City Attorney

Approved as to content:



MAHDI ALUZRI
Interim City Manager