

DATE SUBMITTED 4/28/2022
 SUBMITTED BY ACM
 DATE ACTION REQUIRED 5/04/2022

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING (X)
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ab

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL AMENDING THE CODIFIED ORDINANCES REGARDING PARKING OF MOBILE BILLBOARD ADVERTISING DISPLAYS	
1. INTRODUCTION AND FIRST READING BY TITLE ONLY OF ORDINANCE 821 THE CODIFIED ORDINANCE RELATED TO THE PARKING OF MOBILE BILLBOARD ADVERTISING DISPLAYS, EITHER STANDING ALONE OR ATTACHED TO MOTOR VEHICLES ON PUBLIC STREETS OR ANY PUBLIC LANDS IN THE CITY AND TO REGULATE THE SIZE, WIDTH, AND HEIGHT OR ADVERTISEMENTS ATTACHED TO MOTOR VEHICLES. 2. PROVIDE DIRECTION TO STAFF TO PREPARE A SUMMARY OF ORDINANCE NO. 821 FOR PUBLICATION PURPOSES.	
DEPARTMENT INVOLVED: City Attorney/City Manager's Office	
BACKGROUND/SUMMARY: At the direction of the City Council, staff has prepared the attached proposed Ordinance 821 amending the codified ordinances of the City's Municipal Code as they relate to Parking of Mobile Billboard Advertising Displays in city limits. Mobile Billboard Displays are defined as either standing alone or attached to motor vehicles on public streets or any public lands in the City. The proposed ordinance will further regulate the size, width, and height of advertisements whether they be free standing or attached to motor vehicles. The proposed ordinance further identifies penalties of up to \$1,000.00.	
FISCAL IMPACT: To Be Determined	ADMIN SERV INITIALS <u>VB</u>
STAFF RECOMMENDATION: It is staff's recommendation to introduce Ordinance 821 by the First Reading in Title Only and direct staff to publish a summary in a newspaper of general circulation.	DEPT. INITIALS <u>ab</u>
MANAGER'S RECOMMENDATION: <i>approve staff recommendation</i>	CITY MANAGER'S INITIALS <u>JHM</u>
MOTION:	
SECONDED:	APPROVED () REJECTED ()
AYES:	DISAPPROVED () DEFERRED ()
NAYES:	
ABSENT:	REFERRED TO:

ORDINANCE NO 821

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL AMENDING THE CODIFIED ORDINANCES REGARDING THE PARKING OF MOBILE BILLBOARD ADVERTISING DISPLAYS, EITHER STANDING ALONE OR ATTACHED TO MOTOR VEHICLES ON PUBLIC STREETS OR ANY PUBLIC LANDS IN THE CITY AND TO REGULATE THE SIZE, WIDTH AND HEIGHT OR ADVERTISEMENTS ATTACHED TO MOTOR VEHICLES.

The City Council of the City of Imperial does ordain as follows:

Section 1: Sections 24.16.140 through 24.16.210 of Chapter 24 of the Imperial City Code are hereby enacted to read as follows:

Sec. 24.16.140 – Definitions.

For the purposes of Sections 24.16.140 through 24.16.210, the following words and phrases shall have the following meanings:

Advertising Sign. A sign advertising a business, club, organization, or services offered; or advocating for or against a person, candidate, ballot measure, idea, issue of public concern, religion, philosophy, or discipline; or expressing an idea, joke, point of view, complaint, or expressing speech of any kind. This definition applies regardless of the contents of the message contained thereon.

City Limits. The city limits of the City of Imperial, a general law city situated in the County of Imperial, State of California.

City Street. Any public street, highway, boulevard, road, or alleyway situated within the city limits of the City of Imperial.

Leave Standing. The act of allowing a motor vehicle to remain at rest, in a parking space, adjacent to a street or highway or on public land, while said motor vehicle is attended by a person.

Motor Vehicle. A motorized vehicle capable of being driven or operated on a street or highway.

Park, Parked, or Parking. The act of leaving a motor vehicle unattended in a parking space, adjacent to a street or highway or on public land.

Public Land. Any real property that is owned or leased by the City of Imperial, including, but not limited to, city-owned parking lots.

Sec. 24.16.150. - Unlawful Parking of Motor Vehicles with Advertising Signs.

Except as provided in Section 24.16.170 below, it shall be unlawful for any person to park or leave standing a motor vehicle with any advertising signs or signs affixed thereto on the city streets or public lands within the city limits of the City of Imperial for any period of time longer than one (1) hour.

Sec. 24.16.160 - Minimum Distance that a Motor Vehicle with Advertising Signs must be Moved.

If a motor vehicle with advertising sign or signs that has been parked or left standing on a city street or public land within the city limits of the City of Imperial has been marked with chalk or any other means by a person authorized by the city to enforce the city's parking regulations, and is subsequently moved prior to the expiration of one hour, if said motor vehicle is moved less than one hundred (100) yards from the location it was originally marked, and then for purposes of a violation of this division, it will be as if the motor vehicle has remained in place in the original location where it was marked.

Sec. 24.16.170 - Specific Types of Signs Excepted

A motor vehicle may contain advertising signs that are painted directly upon or 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 transferable or non-transferable 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 designed 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.

Sec. 24.16.180 - Violation - Penalties

After the initial warning citation, a subsequent offense of this division 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.

Sec. 24.16.190 - Impound

After issuing a warning citation advising the registered owner of a vehicle in violation of the provisions of Sections 24.16.150 and 24.16.160 that he or she may be subject to penalties upon a subsequent violation of those provisions that may include the removal of the vehicle, a motor vehicle in violation of Sections 24.16.150 and 24.16.160 may be impounded pursuant to California Vehicle Code Section 22651 (w), subsections (1) and (2).

Sec. 24.16.200 - Post Impound Procedures

Section 22852 of the California vehicle code applies to this division 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 vehicles registered and legal owner(s) of record, or their agent(s) within 48 hours, excluding weekends, and 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 10 days of the date of hearing 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.

Sec. 24.160.210 - Severability.

If any subsection, sentence, clause, or phrase of this division 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 division. The city Council hereby declares that it would have adopted this division, 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.

Section 2: Effective Date. This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial,
this ____ day of _____, 2022.

Geoff Dale, Mayor

ATTEST:

Dennis Morita, City Clerk