

ORDINANCE NO. 1257

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY AMENDING TITLE 4, CHAPTER 9 OF THE SIMI VALLEY MUNICIPAL CODE RESTRICTING PARKING OF MOBILE ADVERTISING BILLBOARDS

WHEREAS, the City of Simi Valley parking ordinances contained in Simi Valley Municipal Code (SVMC) Chapter 9 of Title 4, et seq. do not currently contain provisions specifically relating to mobile advertising billboards; and

WHEREAS, the City wishes to update the SVMC to restrict the parking of mobile advertising billboards.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Notwithstanding any prior ordinance of the City of Simi Valley, Chapter 9, Title 4 of the Simi Valley Municipal Code as specified and amended in Exhibit A attached hereto is hereby adopted.

SECTION 2. Severability. If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, adjudicated to a final determination, the City Council finds that said voided part is severable, that the City Council would have adopted the remainder of this Ordinance without the severed and voided part, and that the remainder of this Ordinance shall remain in full force and effect.

SECTION 3. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 4. 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.

PASSED and ADOPTED this 2nd day of May 2016.

Attest:

/s/
Ky Spangler, Deputy Director/City Clerk

/s/
Robert O. Huber, Mayor of the City of
Simi Valley, California

Approved as to Form:

Approved as to Content:

/s/
Lonnie J. Eldridge, City Attorney

/s/
Eric J. Levitt, City Manager

EXHIBIT A**SIMI VALLEY MUNICIPAL CODE AMENDMENT
REGARDING MOBILE BILLBOARD ADVERTISING DISPLAYS****Article 6. Mobile Billboard Advertising Displays****4-9.601 The parking of mobile billboard advertising displays is unlawful.**

It shall be unlawful for any person to park or leave standing a mobile billboard advertising display on any public street, alley or public lands in the City.

4-9.602 Definition of mobile billboard advertising display.

For purposes of this Chapter, "mobile billboard advertising display" has the meaning provided by Section 395.5 of the California Vehicle Code which states:

395.5. A "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.

For purposes of this Chapter, this definition shall not include a motor vehicle.

4-9.603 Removal of mobile billboard advertising displays authorized.

Pursuant to Section 22651, Subdivision (v), of the California Vehicle Code, any peace officer, or any regularly employed and salaried employee of the City, who is engaged in directing traffic or enforcing parking laws and regulations may remove a mobile billboard advertising display, and/or anything that the mobile billboard advertising display is attached to including a motor vehicle, found upon any public street, alley or any public lands in the City when all of the following are true:

- (a) The mobile billboard advertising display is parked or left standing in violation of this Code;
- (b) The registered owner of the mobile billboard advertising display was previously issued a warning citation for the same offense;
- (c) The warning citation was issued to a first-time offender at least twenty-four (24) hours prior to the removal of the mobile billboard advertising display and the warning citation advised the registered owner of the mobile billboard advertising display that he or she may be subject to penalties upon a subsequent violation that may include the removal of the mobile billboard advertising display.

Pursuant to Section 22651(v)(2) of the California Vehicle Code, the City is not required to provide further notice for any subsequent violation prior to enforcement.

4-9.604 Post storage impound hearing.

Pursuant to Section 22852 of the California Vehicle Code:

- (a) Whenever a peace officer, non-sworn code enforcement officer, or non-sworn parking enforcement officer of the City directs the storage or impoundment of a mobile billboard advertising display, the City shall provide the registered and legal owner(s) of record of the mobile billboard advertising display, or their agent(s), opportunity for a post-storage hearing to determine whether reasonable grounds justified the removal. Notice of the storage shall be mailed or personally delivered to the registered and legal owner(s) within 48 hours, excluding weekends and holidays.
- (b) The owner(s) of record, or their agent(s), must request a hearing within ten (10) days of the date appearing on the notice, or the right to hearing is waived.
- (c) The City shall conduct the hearing if feasible within forty-eight (48) hours, excluding weekends and holidays, of receipt of the request under subsection (b) of this Section. The City shall inform the person requesting the hearing of the time and place for the hearing. However, under the authority of *City of Los Angeles v. David (2003) 123 S.Ct.189*, depending on administrative necessity, the hearing can be held up to 30 days from the receipt of the request.
- (d) The City may authorize any officer or employee to conduct the hearing, provided that the hearing officer is not the person who directed the storage of the vehicle. The hearing officer shall determine the validity of the removal and storage of the mobile billboard advertising display at the conclusion of the hearing.
- (e) Following the hearing, if the hearing officer finds that the mobile billboard advertising display was improperly removed and stored, it shall be released to the owner at the storage facility and the City shall bear the cost of removal and storage. Otherwise, the mobile billboard advertising display shall be returned to the owner only after payment of any and all fines or fees, including, but not limited to: any penalties under this Code; any outstanding amounts owed to the City for previous violations involving the same mobile billboard advertising display; and the costs of removal and storage incurred by the City up to the time of release. The hearing officer shall determine the total amount to be paid prior to release of the mobile billboard advertising display, consistent with this subsection.

4-9.605 Violation - Penalties.

After an initial warning citation, any subsequent offense of this Chapter is subject to civil penalties, and may be prosecuted as an infraction or a misdemeanor. The amount of the civil penalty will be specified by the City Council through the parking fine resolution.

4-9.606 Construction.

It is the intent of this Chapter to implement the provisions of the California Vehicle Code authorizing the City to regulate the parking of mobile billboard advertising displays. Citation of any Section of the Vehicle Code is for the convenience of those governed by this Chapter and those who must enforce it and does not imply that other, relevant provisions of the Vehicle Code are not applicable, nor is this Chapter intended to duplicate, vary from or be preempted by the Vehicle Code. This Chapter shall be construed in light of this intent.