

ORDINANCE NO. 6435

AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING SECTION 14.32.181 (PARKING FOR CERTAIN PURPOSES PROHIBITED) OF CHAPTER 14.32 (PARKING AND STOPPING) OF THE ANAHEIM MUNICIPAL CODE AND FINDING AND DETERMINING THAT THIS ORDINANCE IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15060(C)(2), 15060(C)(3) AND 15061(B)(3) OF THE STATE CEQA GUIDELINES, BECAUSE IT WILL NOT RESULT IN A DIRECT OR REASONABLY FORESEEABLE INDIRECT PHYSICAL CHANGE IN THE ENVIRONMENT BECAUSE THERE IS NO POSSIBILITY THAT IT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND BECAUSE IT IS NOT A PROJECT AS DEFINED IN SECTION 15378 OF THE CEQA GUIDELINES.

WHEREAS, the City of Anaheim 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; and

WHEREAS, the unrestricted parking of vehicles for such commercial purposes results in a negative impact on the City, its residents, and businesses by causing passing motorists to slow down or stop to obtain information on the signage on the parked vehicles, causing motorists to illegally "double park" next to such vehicles and get out of their cars to examine the vehicles thereby blocking traffic, and encouraging jaywalking across streets for prospective buyers to inspect the vehicles, thereby creating dangerous traffic conditions for other motorists and pedestrians in the City; and

WHEREAS, the unrestricted parking of vehicles for such commercial purposes also 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; and

WHEREAS, the unrestricted parking of vehicles for such commercial purposes also 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 City, and creates an increased need for police service in the areas of the City in which the parking for sale occurs; and

WHEREAS, an investigation completed by the California Department of Motor Vehicles in 2014 confirmed that unlicensed car dealers typically purchase "low end" vehicles from private parties and salvage auction yards and usually do little, if any, mechanical or safety reconditioning. The unlicensed car dealers create "pop-up" lots by parking multiple vehicles in one location in high traffic areas, clogging city streets, and adversely affects the public welfare by encouraging 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 City; and

WHEREAS, the City has documented the issues related to vehicles parked for purposes of sale on certain streets in the City that 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. This evidence establishes the 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 City. Based on these studies/information, subsequent investigation, activity reported by law enforcement, and community complaints, the City seeks to impose reasonable restrictions prohibiting the parking of vehicles for the primary purpose of advertising or displaying such vehicles for sale upon certain streets in the City; and

WHEREAS, the California courts have ruled that the City may reasonably regulate the time, place, and manner in which its public streets and its lands are used for the sale of vehicles and the California legislature enacted Section 22651.9 of the California Vehicle Code authorizing the City to remove and impound vehicles with "for sale" signs from designated streets; and

WHEREAS, the City desires to adopt an ordinance authorizing the removal of vehicles pursuant to California Vehicle Code Section 22651.9 from the streets which the vehicle is located; and

WHEREAS, the City Council 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

WHEREAS, 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 therefore necessary to make restrictions against such parking potentially applicable to the arterial streets in the City and within eighty (80) feet of those arterials; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; herein referred to as "CEQA") and the State of California Guidelines for Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the "State CEQA Guidelines"), the City is the "lead agency" for the preparation and consideration of environmental documents for this ordinance; and

WHEREAS, the City Council finds and determines that this ordinance is not subject to CEQA pursuant to Section 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA

Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a “project,” as that term is defined in Section 15378 of the State CEQA Guidelines; and

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

SECTION 1. That Section 14.32.181 of Title 14 of the Anaheim Municipal Code be, and the same is, hereby amended to read in full as follows:

#### **14.32.181 DISPLAYING VEHICLES FOR SALE ON PUBLIC STREETS**

**.010 Purpose and Intent.** The City Council finds that there has been 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 City, its residents, and its businesses. The purpose of this Section is to reasonably regulate the time, place, and manner in which City public streets are used for the sale of vehicles and to implement Section 22651.9 of the California Vehicle Code which permits the removal of vehicles, under certain conditions, for being illegally parked for purposes of advertising the vehicle for sale.

**.020 Private and Public Lots and Properties.** No person shall park a vehicle on a public or private parking lot or any public or private property for the purpose of displaying the vehicle thereon for sale, hire or rental, unless the property is duly licensed and zoned by the City of Anaheim for that purpose. Nothing in this section shall be construed to apply to the sale of a vehicle by a resident on property owned or leased by that resident.

**.030 Vehicles for Sale Prohibited on Certain Public Streets.** No person shall park or leave standing any motor vehicle with a sign or placard or other writing 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:

Any location on a Major, Primary, Hillside, Secondary or Hillside Secondary Arterials as identified on the Planned Roadway Network in the General Plan, or on a public street within eighty (80) feet of such roadway, which is posted with signage reflecting the prohibition.

**.040 Removal of Vehicle Authorized.** A vehicle found to be in violation of this section shall be issued a citation or notice of parking violation pursuant to Section 14.32.320. Pursuant to California Vehicle Code Section 22651.9(a)(4), any person authorized by Section 14.32.330 may remove a vehicle that is in violation of this Section, if all of the following requirements are satisfied:

**.0401** Because of a sign, placard, or other writing on the vehicle, it appears that the primary purpose of parking the vehicle at the location listed in Section 14.32.181.030 is to advertise to the public the private sale of that vehicle;

**.0402** Within the past 30 days, but not less than 24 hours prior to removal, the vehicle is known to have been previously issued a citation or other notice for violating Section

14.32.181.030, which contains 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 this 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; and, (C) a statement that all arterial roadways in the City are subject to prohibitions in this Section.

**.050 Post-Removal Hearings Required for Removed Vehicles.** A post-storage hearing pursuant to Section 22852 of the California Vehicle Code applies with respect to the removal of any vehicle pursuant to this Section and is incorporated herein by this reference as if set forth in full herein.

SECTION 2. SEVERABILITY.

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence or word of this ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

SECTION 3. SAVINGS CLAUSE.

Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SECTION 4. CERTIFICATION; PUBLICATION BY CLERK.

The City Clerk shall certify to the passage of this ordinance and shall cause this ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

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THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the 27 day of March, 2018, and thereafter passed and adopted at a regular meeting of said City Council held on the 10 day of April, 2018, by the following roll call vote:

AYES: Mayor Tait and Council Members Moreno, Murray, Vanderbilt, Barnes, Kring, and Faessel

NOES: None

ABSENT: None

ABSTAIN: None

CITY OF ANAHEIM

By:   
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

  
CITY CLERK OF THE CITY OF ANAHEIM  
(Acting)

CLERK'S CERTIFICATE

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF ANAHEIM        )

I, THERESA BASS, Acting City Clerk of the City of Anaheim, do hereby certify that the foregoing is the original Ordinance No. 6435 introduced at a regular meeting of the City Council of the City of Anaheim, held on the 27<sup>th</sup> day of March, 2018, and that the same was duly passed and adopted at a regular meeting of said City Council held on the 10<sup>th</sup> day of April 2018, by the following vote of the members thereof:

AYES:           Mayor Tait and Council Members Moreno, Murray, Vanderbilt, Barnes, Kring, and Faessel

NOES:           None

ABSENT:        None

ABSTAIN:       None

IN WITNESS WHEREOF, I have hereunto set my hand this 10<sup>th</sup> day of April, 2018.



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ACTING CITY CLERK OF THE CITY OF ANAHEIM

(SEAL)