

09-2140

MOTION

PLANNING & LAND USE MANAGEMENT

SEP 01 2009

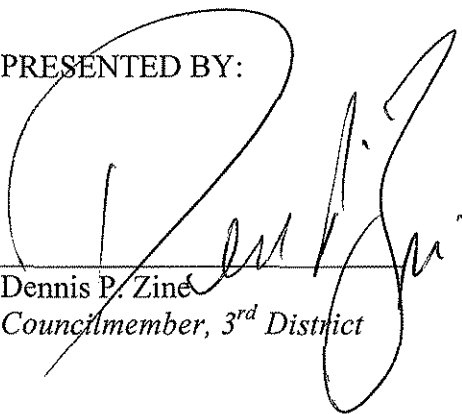
The prevalence of mobile billboard advertising across the City of Los Angeles has reached the level of a serious public nuisance. These large billboards are attached to trucks or trailers then parked on City streets and left to sit idle for several days on end. Negative effects of these mobile billboards include visual blight, decreased visibility for pedestrians and drivers alongside streets, and reduced available on-street parking.

Previous attempts by the Council to regulate or prohibit mobile billboards have been met by legal concerns by the office of the City Attorney. It has been argued that a ban on this type of blight would require the City to provide advance notice to drivers of restrictions on mobile billboards. Such notice could entail posting warning signs on every entrance point to the City, which would be cost prohibitive and further add to visual blight.

A recent ruling by the United States Court of Appeals for the Ninth Circuit, *Lone Star Security and Video, et al. v. City of Los Angeles*, likely has changed the legal landscape regarding notice requirements for parking regulations. The Court effectively upheld the City's practice of towing vehicles or trailers that have been immobile for 72 hours on the street, without notice. The Court's insistence that no form of posted notice was required to enforce the 72-hour rule may have established precedent that would allow the City to enforce other parking restrictions, also without notice in the form of posted signs.

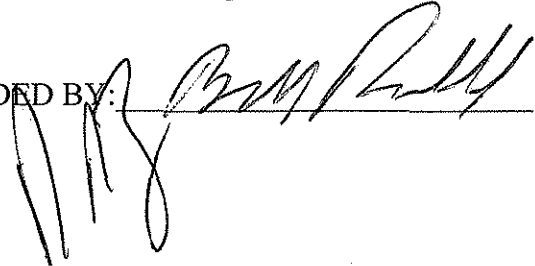
I THEREFORE MOVE that the City Attorney, with the assistance of the Department of Transportation and any other relevant agencies, be requested to report to the City Council with an analysis of the effects of the *Lone Star* decision on the legality of a ban on mobile billboards in the City of Los Angeles, and to present a draft ordinance to effectuate such a ban.

PRESENTED BY:


Dennis P. Zine
Councilmember, 3rd District


Paul Koretz
Councilmember, 5th District

SECONDED BY:



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ORIGINAL