

4-19-94

AUTHORIZATION TO TOW VEHICLES OFFERED FOR SALE AFTER A NOTICE OF VIOLATION HAS BEEN ISSUED - ORDINANCE NO. 2295 (F: 80.2)

Councilman Dinsen inquired whether this ordinance would apply to vehicles parked in front of a person's residence with a "for sale" sign on it. Staff responded in the negative, indicating that this would be on public streets and in parking lots, etc.

ORDINANCE NO. 2295 was introduced for first reading and the title read in full, being an Ordinance consummating the towing of vehicles displayed for sale, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADDING SECTION 10.40.060, ENTITLED "REMOVAL OF PARKED VEHICLE WHEN PRIMARY PURPOSE IS ADVERTISING" TO CHAPTER 10.40 OF TITLE 10 OF THE MUNICIPAL CODE

Councilman Dinsen moved, seconded by Councilman Leyes, that full reading of Ordinance No. 2295, be waived, and said Ordinance be and hereby is passed to second reading. Upon the following vote:

AYES: COUNCILMEMBERS: (5) BROADWATER, CHUNG, DINSEN, LEYES, KESSLER  
NOES: COUNCILMEMBERS: (0) NONE  
ABSENT: COUNCILMEMBERS: (0) NONE

said Ordinance No. 2295 was declared passed to second reading.

**City of Garden Grove**  
**INTER-DEPARTMENT MEMORANDUM**

To: George L. Tindall  
Dept: City Manager  
Subject: TOWING OF VEHICLES DISPLAYED FOR SALE

From: J. David Kennon  
Dept: Development Services  
Date: March 24, 1994

**OBJECTIVE**

The objective is to request adoption of an ordinance which would allow towing of vehicles displayed for sale after the issuance of a Notice of Parking Violation has failed to resolve the on-street parking violation.

**BACKGROUND**

On August 18, 1993, Assembly Bill 1169 was enacted as an urgency statute. As a result, Section 22651.9 was added to the Vehicle Code as a vehicle removal authority. The section was enacted primarily to provide local authorities with an additional enforcement tool in their efforts to reduce on-street parking problems.

**DISCUSSION**

Garden Grove Municipal Code Section 9.16.240(0) does not permit vehicles to be displayed for sale except on property zoned and licensed to transact that type of business or on private residential property, and the immediately adjacent public street, if the vehicle is registered to a person residing at the residential property. A Notice of Parking Violation may be issued for violations of this Municipal Code section. Unpaid Notice of Parking Violations are eventually referred to the Department of Motor Vehicles and must be paid, with penalties, prior to obtaining current registration for the vehicle.

There are a number of used car dealerships, dealership employees, and other individuals who routinely display vehicles for sale on major arterials throughout the City. These individuals work on consignment or operate their independent business using the City streets. The individuals do not pay any of the parking tickets issued to the vehicles and continue to display the vehicles for sale throughout the City. These vehicles utilize on-street parking that legitimate commercial customers or residents could use, block visibility to commercial centers, and may cause traffic hazards when drivers slow to look at the price and make of the vehicle. The City does not receive revenue from the parking tickets because the person who purchases the vehicle did not own the vehicle on the dates the tickets were issued so the tickets are cancelled by DMV when the vehicle is registered by the new owner. Since the Notice of Parking Violation does not correct the on-street parking violation, the Vehicle Code section was enacted to provide cities with the additional enforcement tool to allow towing of the vehicle in order to reduce the on-street parking problem and traffic hazard.

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Vehicle Code Section 22651.9 provides that a vehicle may be removed from a street if a Notice of Parking Violation has been issued at least 24 hours prior to removal of the vehicle, a written warning has been given that an additional parking violation may result in impoundment of the vehicle if the vehicle continues to be displayed for sale on any City street, and a local ordinance has been adopted which states that vehicles may be towed from all streets in the City once the above listed conditions have been satisfied.

An ordinance is attached for your review as well as Vehicle Code Section 22651.9.

RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance which will allow towing of vehicles that continue to be displayed for sale after receiving a Notice of Parking Violation.

J. DAVID KENNON  
Director

  
By: Janet Jensen  
Code Enforcement Manager

Attachments: Ordinance  
V.C. 22651.9

RECOMMENDED FOR APPROVAL:

  
George L. Tindall  
City Manager

**§ 22651.9 Removal of Parked Vehicle When Primary Purpose is Advertising**

(a) Any peace officer, as defined in Chapter 4.5 (commencing with Sec. 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or city and county in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act when the vehicle is found upon a street or any public lands, if all of the following requirements are satisfied:

(1) Because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to advertise to the public the private sale of that vehicle.

(2) Within the past 30 days, the vehicle is known to have been previously issued a notice of parking violation, under local ordinance, which was accompanied by a notice containing all of the following:

(A) A warning that an additional parking violation may result in the impounding of the vehicle.

(B) A warning that the vehicle may be impounded pursuant to this section, even if moved to another street, so long as the signs or placards offering the vehicle for sale remain on the vehicle.

(C) A listing of the streets or public lands subject to the resolution or ordinance adopted pursuant to paragraph (4), or if all streets covered, a statement to that effect.

(3) The notice of parking violation was issued at least 24 hours prior to the removal of the vehicle.

(4) The local authority of the city, county, or city and county has, by resolution or ordinance, authorized the removal of vehicles pursuant to this section from the street or public lands on which the vehicle is located.