VEHICLES FOR SALE ON PUBLIC STREETS

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Section 10.66.010 Findings.

The City Council finds as follows:
A. Persons and businesses are using City streets as de facto used car lots to sell used vehicles.
B. The act of selling a car in public streets invites prospective buyers into the roadway to examine the vehicle. It is well known that prospective buyers examine the condition of vehicles for sale and look for evidence of damage or repairs. When done in the public roadway, this poses an obvious risk to public and traffic safety that the City wishes to avoid.
C. The parking of vehicles for sale on City streets creates a distraction for drivers and pedestrians, thereby creating a further public safety hazard. Because drivers may attempt to not only read a for sale sign in or on a vehicle but also commit to memory, write down, or call a telephone number on such a sign, these signs pose a greater risk of accidents than do other types of signs that may be displayed in or on a parked vehicle.
D. The significant increase in vehicles parked for the purpose of sale has created a nuisance by decreasing the parking available for local residents and businesses.
E. The City has an important and substantial public interest in protecting public safety, reducing accidents, removing impediments to the orderly flow of traffic such as illegal and hazardous parking, abating public nuisances, eliminating visual blight, preventing unlawful trafficking in stolen vehicles, and protecting licensed car dealers from unfair competition. (Ord. 7085 § 1, 2010)

Section 10.66.020 Authority.

This Chapter is adopted pursuant to the authority granted to the City of Riverside by 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. Section 22852 of the California Vehicle Code requires that a post-removal hearing take place after the removal of any vehicle under Section 22651.9 of the California Vehicle Code. (Ord. 7085 § 1, 2010)

Section 10.66.030 Definitions.

A. “Park” or “parking” means and refers to the standing of a vehicle as set forth by Section 463 of the California Vehicle Code.
B. “Peace officer” means and refers to any law enforcement officer as set forth by Section 830 of the California Penal Code.
C. “Vehicle” means and refers to any device as set forth by Section 670 of the California Vehicle Code, which is defined as “a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human
power or used exclusively upon stationary rails or tracks.” (Ord. 7085 § 1, 2010)

Section 10.66.040 On-Street Sales Prohibited.

No person shall park any vehicle on any street or public land when it appears because of a sign or placard on the vehicle that the primary purpose of parking the vehicle at that location is to advertise to the public the private sale of that vehicle. A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed, continued or permitted. (Ord. 7085 § 1, 2010)

Section 10.66.050 Removal of Vehicle Authorized.

Pursuant to Section 22651.9 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 the vehicle located 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; and

2. Within the past 30 days, the vehicle is known to have been previously issued a notice of parking violation for violation of Section 10.66.040, which was accompanied by a notice containing 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, 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 streets in the City are subject to prohibitions of this Chapter; and

3. The notice of parking violation was issued at least 24 hours prior to the removal of the vehicle. (Ord. 7085 § 1, 2010)

Section 10.66.060 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 by reference as if set forth in full herein. (Ord. 7085 § 1, 2010)