



R-27

Date: November 6, 2007

To: Honorable Mayor and Members of the City Council

From: Councilmember Rae Gabelich, Eighth District *RG*
Councilmember Val Lerch, Ninth District *Val*

Subject: AGENDA ITEM: "For Sale" Vehicles on public streets

On many streets throughout the City, vehicles are parked on public streets displaying "for sale" signs. These vehicles can be traffic hazards, and are often blight in the neighborhood when several cars are lined up for sale.

Currently, the City prohibits the parking of vehicles displaying "for sale" signs on certain streets under Municipal Code section 10.22.080. However, this often leads to the problem of the "for sale" vehicles only being moved to an adjacent street where the prohibition is not in effect.

In a December 5, 2006 memo to the Mayor and City Council, the City Attorney responded to the question: May the City require owners of vehicles displaying "for sale" signs and parking such vehicles anywhere but on their own residential property, to obtain a "daily" business license from the City?

Answer: Yes, although input from the Business License Bureau is advised regarding the logistics of implementing such a program, which would require the creation of a new type of temporary business license. Among the concerns about implementing a temporary business license system is how it would be applied to non-residents with minimal "business contacts" in the City (such as a visitor to Long Beach who parks a car displaying a "for sale" sign on a Long Beach street) and how the ordinance could be enforced on private commercial property such as a shopping center parking lot. Currently, the parking of vehicles for sale at certain locations on the public right-of-way is prohibited pursuant to LBMC Section 10 .22.080. That section could be revised in conjunction with a new permit system.

Alternatively, the City could continue to expand the locations at which the parking of vehicles for sale is prohibited outright, when it determines that it is necessary to mitigate traffic hazards or abate a nuisance, and finds that adequate alternative locations are available. A City-wide prohibition of parking of cars for sale on the public right-of-way is more problematic: In order for a City-wide prohibition to withstand a legal challenge, the City would need to make findings that no less restrictive regulation would solve the problems identified as being caused by the on-street parking of vehicles for sale.

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Since continuing to expand the locations at which the parking of vehicles for sale is prohibited does not seem to be addressing the problem on a long-term basis, I would like to request the exploration of the temporary business license regulation. This program could be enforced by requiring that the temporary business license be visibly displayed in the vehicle when parked on a public street. As with other temporary business licenses issued in the City, they could be restricted to being issued two licenses per year per household.

Recommended Action:

Request the City Manager to report back to the City Council within 45 days on the feasibility of implementing a citywide program to require a temporary business license to display a "for sale" sign in a vehicle parked on a public street.