
M E M O R A N D U M

DATE: February 26, 2002
TO: Council Members
FROM: Gary Mumford
RE: **PROPOSAL TO REPEAL SECTION 12.56.510 OF THE SALT LAKE CITY CODE RELATING TO PARKING VEHICLES FOR CERTAIN PURPOSES PROHIBITED**
CC: Rocky Fluhart, Jay Magure, Roger Cutler

Section 12.56.510 prohibits parking or operating vehicles for the primary purpose of displaying vehicles for sale or exhibiting advertising. One of the original purposes for this legislation was to prevent residential areas from becoming unpermitted used car lots. However, several public advocacy groups have raised questions concerning unlawful interference with protected rights of commercial speech. The City Attorney is requesting that the City Council repeal the section to avoid unnecessary litigation.

According to the code section, no person shall park or operate a vehicle upon any roadway for the principal purpose of:

- Displaying such vehicle for sale;
- Greasing or repairing such vehicle, except repairs necessitated by an emergency;
- Displaying advertising; or
- The sale of foodstuff or other merchandise in any business district.

In most cases, the enforcement objectives can be adequately address by other legislation. Some examples are:

- City code doesn't allow a vehicle to remain continuously parked in excess of 72 hours.
- City code makes it unlawful to drive a vehicle with a sign, poster or other nontransparent material in the windows as to impair the driver's vision.
- Federal Clean Water Act and Health Department regulations prohibits spilling of motor oil in the street that may enter the stormwater system.
- Unless licensed to do so by the City's business license office, no person shall sale any merchandise or food from a vehicle located upon a City street.

The City Attorney requests the Council's repeal the section on February 28, 2002 in order to have a pending suit dismissed. The City Attorney will be available to respond to questions.