

LETTER REQUESTING  
RECONSIDERATION OF  
THE ENFORCEMENT OF  
THE CITY ORDINANCE  
REGARDING CARS PARKED  
FACING THE "WRONG"  
WAY

City Clerk Reimche presented the following letter which had been received from Judy Underwood:

"Dear Council Members:

I respectfully ask that you reconsider the enforcement of the city ordinance regarding cars parked facing the "wrong" way, i.e. against the flow of traffic.

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During the holidays we had house guests from out of town who were ticketed and fined for this infraction. They had never heard of such an ordinance, although they had lived in several communities both in California and in other states.

(They thought perhaps the ordinance might be the result of a neatness fetish.)

I understand the thinking behind passage of the ordinance originally, involving possible safety hazards of starting a car facing against traffic. However it seems to me to be overly protective, especially on residential streets with little traffic. In any case, it is no more dangerous than starting off from a driveway.

My real complaint is of the unfairness of the ordinance. Visitors and newcomers to Lodi cannot be expected to be aware of such an unusual regulation. The visitors, at least, cannot even make an official objection, since they do not wish to return to town to appear in court.

I think it would be more than adequate for police to leave a warning explaining the ordinance, rather than a ticket.

It would be even better to forget about the whole thing and repeal the ordinance altogether.

Thank you for your consideration."

Judy Underwood

Following Council discussion, Council referred the matter to City Attorney Stein.

*Council*

RECEIVED

1983 JAN -5 AM 9:16

ALICE M. HEIMONE  
CITY CLERK  
CITY OF LODI

2155 Jerry Lane  
Lodi, CA 95240

January 4, 1983

Lodi City Council  
City Hall  
221 West Pine Street  
Lodi, CA 95240

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Thank you for your consideration.

*Judy Underwood*

JUDY UNDERWOOD

CITY COUNCIL

FRED M. REID, Mayor  
ROBERT G. MURPHY,  
Mayor Pro Tempore  
EVELYN M. OLSON  
JAMES W. PINKERTON, Jr.  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
POST OFFICE BOX 320  
LODI, CALIFORNIA 95241  
(209) 334-5634

HENRY A. GLAVES, Jr.  
City Manager

ALICE M. REIMCHE  
City Clerk

RONALD M. STEIN  
City Attorney

January 18, 1983

Ms. Judy Underwood  
2155 Jerry Lane  
Lodi, California 95240

Re: Your Letter to Lodi City Council Regarding  
"Wrong Way" Parking within the City of Lodi

Dear Ms. Underwood:

The Lodi City Council at its January 5, 1983 meeting, referred your January 4, 1983 letter regarding the above-referenced subject matter to this office for response.

California Vehicle Code Section 22502(a), a copy of which is attached hereto, states that except as otherwise provided, every vehicle stopped or parked upon a roadway where there are adjacent curbs, shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb. The exceptions provided relate to among others, motorcycles and commercial vehicles.

Further, the Vehicle Code states in Section 22502(b) the exceptions relating to commercial vehicles, however, stating that that section shall not be construed to permit any vehicle to stop or park upon a roadway in a direction opposite to that in which traffic normally moves upon that half of the roadway on which such vehicle is stopped or parked.

Under the provisions of the California Vehicle Code, except as otherwise expressly provided, the provisions of said Code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority may enact or enforce any ordinance on the matters covered by the Code unless expressly authorized therein.

Ms. Judy Underwood  
Page Two - January 18, 1983

I trust that the foregoing will explain the City's position in the requirements of enforcing the provisions of the California Vehicle Code within the boundaries of the City of Lodi.

Please do not hesitate to contact me if you have any further questions in regard to this or any other matter.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'R. Stein', written over a horizontal line.

RONALD M. STEIN  
City Attorney

RMS:vc

attachment

§ 22500

VEHICLE CODE

upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to ordinance, and except that local authorities pursuant to ordinance or the Department of \* \* \* Transportation pursuant to order, within their respective jurisdictions, may permit parking on bridges having sidewalks, and shoulders of sufficient width to permit parking without interfering with the normal movement of traffic on the roadway. Local authorities may by ordinance or resolution permit parking on such bridges on state highways in their respective jurisdictions if the ordinance or resolution is first approved in writing by the Department of \* \* \* Transportation. Parking shall not be permitted unless there are signs in place as may be necessary to indicate the provisions of local ordinances or the order of the Department of \* \* \* Transportation.

(Amended by Stats.1972, c. 490, p. 862, § 3; Stats.1974, c. 545, p. 1324, § 203.)

Local regulation of electric carts on sidewalks, see § 21100.

1972 Amendment. Added to subd. (f) an exception of electric carts.

1974 Amendment. Substituted Department of "Transportation" for "Public Works".

Law Review Commentaries

Constitutionality of ordinance authorizing use of "denver boot" to immobilize illegally parked motor vehicles. (1978) 64 A.B.A.J. 757.

§ 22501. Local regulation of state highways

No ordinance enacted by local authorities pursuant to subdivisions (e) and (k) of Section 22500 or Section 22507.2 shall become effective as to any state highway without prior submission to and approval by the Department of Transportation in the same manner as required by Section 21104. Nothing contained in this section and Section 22500 shall be construed as authorizing local authorities to enact legislation which is contrary to the provisions of Sections 22512 and 25301.

(Amended by Stats.1974, c. 545, p. 1325, § 204; Stats.1980, c. 158, p. —, § 1, urgency. eff. June 11, 1980.)

§ 22502. Curb parking; local ordinances; exception

(a) Except as otherwise provided in this chapter every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb, except that motorcycles shall be parked with at least one wheel or fender touching the right-hand curb. Where no curbs or barriers bound any two-way roadway, right-hand parallel parking is required unless otherwise indicated.

(b) The provisions of subdivision (a) or (e) do not apply to a commercial vehicle if a variation from the requirements of subdivision (a) or (e) is reasonably necessary to accomplish the loading or unloading of merchandise or passengers on, or from, such vehicle and while anything connected with such loading, or unloading, is being executed.

This subdivision shall not be construed to permit any vehicle to stop or park upon a roadway in a direction opposite to that in which traffic normally moves upon that half of the roadway on which such vehicle is stopped or parked.

(c) Notwithstanding the provisions of subdivision (b), local authorities may, by ordinance, prohibit commercial vehicles from stopping, parking, or standing on one side of a roadway in a business district with the \* \* \* wheels of such vehicle more than 18 inches from the \* \* \* curb. The ordinance shall be effective only if signs are placed in the areas to which it is applicable clearly indicating the prohibition.

(d) This section does not apply to vehicles of a public utility when such vehicles are being used in connection with the operation, maintenance, or repair of facilities of the public utility or are being used in connection with providing public utility service.

(e) Upon a one-way roadway, vehicles may be stopped or parked as provided in subdivision (a) or with the left-hand wheels parallel to and within 18 inches of the

Underline indicates changes or additions by amendment

left-hand curb, except either one wheel bound any such or less otherwise indicated.

The provisions of highway.

(Amended by Stats.

1972 Amendment. "two-way" modify final sentence of reference to subd. (f) the second paragraph. In subd. (c) modifying "wheels" subd. (e).

Supplementary Search and seizure

1. In general Because the driver committing a traffic offence, officer had the vehicle and detain reasonably related violation and the issue

§ 22503. Local ordinance

Local authorities hand parking upon is effective with r been submitted to transportation.

(Amended by Stats. p. 1325, § 205.)

1971 Amendment. paragraph and, in inserted the clause

§ 22503.5 Two or three wheel

Notwithstanding may, by ordinance wheeled or three-wheel (Amended by Stats.1

1972 Amendment. authority" for "the l

§ 22504. Unincorporated

(a) Upon any highway standing any vehicle practicable to stop, every event an unobscured shall be left for the free use of such curbs. This section shall not apply to one-way curbs.

(b) This section shall apply to such a manner and partially leaving the

Asterisks \* \* \* indicate