

21

COUNCIL COMMUNICATIO

TO: THE CITY COUNCIL	DATE	NO.
FROM: THE CITY MANAGER'S OFFICE	MAY 13, 1986	
SUBJECT: ORDINANCE REGARDING PARKING OF VEHICLES ON STREETS AND ROADWAYS WITH "FOR SALE" SIGNS ON THEM. LMC SECTION 10.20.070.		

Attached hereto is a copy of a proposed ordinance regarding displaying vehicles for sale upon any street, public right of way or public property which was introduced at the 3/19/86 City Council meeting. Said ordinance was amended to indicate no displaying on "any street, public right of way or public property" rather than merely reading on "any roadway".

Attached hereto are also a number of various other cities' ordinances which deal with this problem. For example, in the City of Stockton, they have a very similar ordinance; however, they do permit parking in front of one's residence for vehicle sales. The only concern of that type of ordinance would be the requirement of the Police Department to determine if the vehicle is in fact actually owned by the persons in front of whose home it is parked. Perhaps the onus could be placed upon the property owner to call the Police Department if such were the case.


RONALD M. STEIN
CITY ATTORNEY

RMS:vc

attachments

ORDINANCE NO. 1381

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING SECTION 10.20.070 OF THE LODI MUNICIPAL CODE
TO SUBSTITUTE THE WORD "STREET" FOR THE WORD "ROADWAY"
AS IT PERTAINS TO THE PARKING OF VEHICLES FOR DISPLAY OR REPAIR

BE IT ORDAINED BY THE LODI CITY COUNCIL.

SECTION 1. Section 10.20.070 of the Lodi Municipal Code as it pertains to parking for display or repair, is hereby amended to read as follows:

10.20.070 Parking for display or repair

No person shall park a vehicle upon any street, public right of way or public property for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of , 1986

Fred M. Reid
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1381 was introduced at a regular meeting of the City Council of the City of Lodi held March 19, 1986 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held , 1986 by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1381 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

RONALD M. STEIN
City Attorney

LMS4 Mar. 21
ORDINANCE NO. 018-84C.S.
AN ORDINANCE AMENDING
PART I, CHAPTER 10 OF THE
STOCKTON MUNICIPAL CODE
BY AMENDING SECTIONS 10-
011.4, 10-017.3, 10-017.4, 10-017.7
AND 10-018.5 AND BY ADDING
SECTION 10-017.15 RELATING
TO PARKING AND ADVERTISING
VEHICLES FOR SALE.

Be it ordained by the City Council
of the City of Stockton, as follows:
SECTION I. AMENDMENT OF
CODE.

Part I, Chapter 10, Section 10-
011.4 of the Stockton Municipal
Code is hereby amended and shall
read as follows:

SEC. 10-011.4. TEMPORARY
EMERGENCY SIGNING.

Whenever the City Traffic Engi-
neer or City Police Department
shall determine that an emergency
traffic situation is likely to result
from repairs or construction being
performed, or from the holding of
public or private assemblies,
gatherings or functions or for other
reasons, the City Traffic Engineer
or City Police Department shall
have power and authority to order
temporary signs to be erected or
posted to regulate the operation of
vehicles. Such signs shall remain in
place only during the existence of
such emergency and the City Traf-
fic Engineer or City Police Depart-
ment shall cause such signs to be
removed promptly thereafter.

SECTION II. AMENDMENT OF
CODE.

Part I, Chapter 10, Section 10-
017.3 of the Stockton Municipal
Code is hereby amended and shall
read as follows:

SEC. 10-017.3. NO PARKING
AREA.

It shall be unlawful for the oper-
ator of any vehicle to stop, stand,
park or leave standing such vehicle
at any time in any area established
by the City Manager as a no park-
ing area, when such area is indi-
cated by appropriate signs or by
red paint upon the curb surface.
These areas shall include, but not
be limited to, the following places:

Within 22 feet of a crosswalk of
an intersection within 44 feet upon
the approach to any flashing bea-
con, stop sign or traffic control sign
located at the side of a roadway;
within 50 feet of the nearest roll-
road crossing; within 5 feet of a
driveway; upon one side of a street
when the width of the roadway is
less than 30 feet.

This section shall not apply to a
bus in a zone marked or signed as a
bus zone.

SECTION III. AMENDMENT OF
CODE.

Part I, Chapter 10, Section 10-
017.4 of the Stockton Municipal
Code is hereby repealed in its
entirety and the new Section 10-
017.4 shall read as follows:

SEC. 10-017.4. PROHIBITED
ADVERTISING ON VEHICLE.

No person shall park or place
upon any roadway, city easement,
city sidewalk or any public prop-
erty any vehicle or vessel display-
ing any sign, picture, transparency,
advertisement or mechanical
device for the purpose of advertis-
ing or bringing notice to any person
the fact that such vehicle or vessel
is to be sold, rented or leased; nor
shall any person park or place upon
any roadway, city easement, city
sidewalk or public property, or pri-
vate property any vehicle for the
purpose of calling the attention of
the general public to any business
or to commodities being sold,
rented, raffled, or given away by
other than a charitable or non-
profit organization.

a. The provisions of this section
shall not apply to vehicles parked
FOR SALE on the private property
of the owner of said vehicle and the
public streets immediately adjacent

b. in any case, advertising signs
on vehicles parked FOR SALE shall
not be more than 10" by 12" and
shall include the name, address and
telephone number of the seller.

c. The provisions of this section
shall not apply to vehicles parked
on the private property of a duly
authorized and licensed vehicle
dealer as permitted elsewhere in
this Code.

SECTION IV. AMENDMENT OF
CODE.

Part I, Chapter 10, Section 10-
017.7 of the Stockton Municipal
Code is hereby amended and shall
read as follows:

SEC. 10-017.7. DISOBEDIENCE TO
EMERGENCY PARKING SIGNS.

Whenever the City Traffic Engi-
neer or City Police Department has
determined that an emergency
traffic situation or congestion is
likely to result from repairs or con-
struction being performed upon a
public street, alley or way, or from
the holding of public or private
assemblies, gatherings or func-
tions, or for other reasons, it shall
be unlawful for anyone to stop,
park, leave standing or operate
any vehicle in the area whenever
the City Traffic Engineer or City
Police Department has erected or
posted temporary signs or barriers
as per Section 10-011.4 of the
Stockton Municipal Code.

SECTION V. AMENDMENT OF
CODE.

Section 10-017.15 is hereby added
to the Stockton Municipal Code and
shall read in its entirety as follows:

SEC. 10-017.15. REPAIR OF VEH-
ICLES PROHIBITED ON ROADWAY.

No person shall park or cause to
be parked, any vehicle upon any
roadway for the purpose of repair-
ing such vehicle except repairs
necessitated by an emergency.

SECTION VI. AMENDMENT OF
CODE.

Part I, Chapter 10, Section 10-
018.5 of the Stockton Municipal
Code is hereby amended and shall
read as follows:

SEC. 10-018.5. PARKING NOT TO
OBSTRUCT TRAFFIC.

No person shall stop, stand or
park a vehicle upon any street or
alley when the width of the road-
way is less than 20 feet; nor shall
any person park any vehicle upon a
street or alley in such a manner or
under such conditions as to leave
available less than 10 feet of width
of the roadway for the free move-
ment of vehicular traffic; nor shall
any vehicle, or anything attached
thereto, which is parked diagonally,
extend 20 feet or more, measured
at right angles, from the curb
where said vehicle is parked.

SECTION VII. EFFECTIVE DATE.

This ordinance shall become
effective from and after thirty (30)
days from its final passage.

CERTIFICATE

This is to certify that Ordinance
No. 018-84C.S. was passed to print
by the City Council of the City of
Stockton, on the 17th day of March,
1986, by the following vote:

Ayes—Councilmembers Bonner,
Clayton, Long, Linnerman,
McGaughey, Olin, Vice Mayor
Coble and Mayor Foss

Noes—Councilmember White

Absent—None

Stockton, Cal., March 18, 1986

FRANCES HONG

City Clerk of the City of Stockton

Effective date of Ordinance APR 24 1986

LEAGUE OF CALIFORNIA CITIES

1409 K Street

Sacramento, California 95814

RETURN IN 2 WEEKS PLEASE

4-3-86

ORDINANCE NO. 1729

AN ORDINANCE OF THE CITY OF NEWPORT BEACH
AMENDING SECTION 12.40.060 OF THE NEWPORT
BEACH MUNICIPAL CODE RELATING TO DISPLAY
OF VEHICLES FOR SALE

The City Council of the City of Newport Beach DOES
ORDAIN as follows:

SECTION 1. Section 12.40.060 of the Newport Beach
Municipal Code is amended to read as follows:

"12.40.060 Parking for Certain Purposes Prohibited.

No person shall park a vehicle:

(a) Upon a public or private street, parking lot
or any public or private property for the purpose of
displaying such vehicle thereon for sale, hire or rental,
unless the property is duly licensed and zoned by the
City to transact that type of business at that location.

(b) Subsection (a) of this Section shall not prohibit
persons from parking vehicles on private residential property
belonging to the owner of the vehicle nor on the public
street immediately adjacent to said private residential
property.

(c) Upon any roadway for the principal purpose
of painting, greasing or repairing vehicle or property
thereon except repairs necessitated by an emergency.

(d) Upon any roadway for the principal purpose of
washing or polishing such vehicle or any part thereof
when a charge is made for such service."

SECTION 2. This Ordinance shall be published once
in the official newspaper of the City, and the same shall be
effective thirty (30) days after the date of its adoption.

This Ordinance was introduced at a regular meeting
of the City Council of the City of Newport Beach held on the

III-E-6

RS/KLG/k-11-30-77

ORDINANCE NO. NS-1402

AN ORDINANCE OF THE CITY OF SANTA ANA AMENDING THE SANTA ANA MUNICIPAL CODE BY ADDING SECTION 41-613.1 PROHIBITING DISPLAY OF VEHICLES, VESSELS, AND OTHER PERSONAL PROPERTY FOR SALE.

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1: That the Santa Ana Municipal Code is hereby amended by adding a section, to be numbered §41-613.1, which said section reads as follows:

Sec. 41-613.1 Prohibition of display of vehicles, vessels, and other personal property for sale.

(a) No person shall park or place a vehicle or vessel or other personal property upon a public or private street, parking lot or any public or private property for the purpose of displaying such vehicle, vessel, or other personal property thereon for sale, hire or rental, unless said property is properly zoned by the city for such purpose, and the vendor is duly licensed to transact such business at that location.

(b) Subsection (a) shall not prohibit any person from parking or placing a vehicle or vessel or other personal property on private residential property belonging to or occupied by the owner of such vehicle, vessel, or other personal property, for the purpose of displaying same for sale, hire or rental.

(c) "Vehicle" as used in this section shall mean a "vehicle" as defined in §670 of the California Vehicle Code, as the same now reads or may hereafter be amended.

(d) "Vessel" as used in this section shall mean a "vessel" as defined in §9840(a) of the California Vehicle Code, as the same now reads or may hereafter be amended.

(e) The parking or placing of any vehicle or vessel or other personal property with a sign or other advertising device thereon or proximate thereto, indicating such vehicle or vessel or other personal property is for sale, hire or rental, shall constitute prima facie evidence that such vehicle, vessel, or other personal property was parked or placed for the purpose of displaying same for sale, hire or rental.

(f) A violation of this section shall constitute an infraction punishable in the same manner as provided in §36-27 of this code, as the same now reads or may hereafter be amended.

ADOPTED this 16th day of January, 1978 by the following vote:

AYES: COUNCILMEN: Garthe, Ortiz, Bricken, Yamamoto, Brandt, Ward
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Evans

ATTEST ORIGINAL SIGNED BY FLORENCE I. MALONE

/s/ JAMES E. WARD VICE MAYOR

CLERK OF THE COUNCIL

LEAGUE OF CALIFORNIA CITIES

APPROVED TO FORM

1400 K Street

LEAGUE OF CALIFORNIA CITIES

1400 K Street

Sacramento, California 95814

RETURN IN 2 WEEKS PLEASE

7-3-86

10.28.030-10.28.120

**10.28.030 Seventy-two consecutive hours—
Prohibited.**

No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for a consecutive period of more than seventy-two hours. (Prior code § 16.43).

**10.28.040 Seventy-two consecutive hours—
Removal of vehicle.**

In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two hours in violation of Section 10.28.030, any member of the police department authorized by the chief of police may remove such vehicle from the street in the manner and subject to the requirements of the Vehicle Code of the state. (Prior code § 16.44).

**10.28.050 Displaying or repairing vehicle on
roadway.**

No person shall park a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency. (Prior code § 16.45).

10.28.060 Parallel parking.

Except as otherwise provided in this chapter, parking on all streets in the city shall be parallel to the curb, whereby the right-hand wheels of any vehicle shall be within eighteen inches of the curb, which parallel parking shall be that type of parking customarily used in the city wherein the vehicles are adjacent one to another. (Prior code § 16.46).

10.28.070 Angle parking—Markings.

Whenever any provision of this code or other ordinance of this city designates and describes any street or portion thereof upon which angle parking shall be permitted, the city engineer shall mark or sign such street indicating the angle at which vehicles shall be parked. (Prior code § 16.47).

10.28.080 Angle parking—Method.

When signs or markings are in place indicating angle parking as provided by Section 10.28.070, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Prior code § 16.48).

10.28.090 Angle parking—Permitted where.

In accordance with Sections 10.28.070 and 10.28.080 and when signs or markings are in place giving notice thereof, drivers of vehicles may stand or park a vehicle only as indicated by such marks or signs on the following streets or portions thereof:

(None designated.)
(Prior code § 16.49).

10.28.100 Adjacent to schools.

A. The city engineer is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Prior code § 16.50).

10.28.110 Narrow streets.

A. The city engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized in this chapter, no person shall park a vehicle upon any such street in violation of any such sign or marking. (Prior code § 16.51).

10.28.120 Posted dangerous areas.

The city engineer shall appropriately sign or

Whittier

endanger life or property, when the area is indicated by appropriate signs or by red paint upon the curb surface;

D. In any area established by resolution of the council as a no parking area, when the area is indicated by appropriate signs or by red paint upon the curb surface;

E. Upon, along or across any railway track in such manner as to hinder, delay or obstruct the movement of any car traveling upon the track;

F. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

G. On any street or highway where the use of the street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of the vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice of the no parking are erected or placed at least twenty-four hours prior to the effective time of the no parking;

H. At any place within twenty feet of a point on the curb immediately opposite the midblock end of a safety zone, when the place is indicated by appropriate signs or by red paint upon the curb surface;

I. At any place within twenty feet of a crosswalk at an intersection in any business district when the place is indicated by appropriate signs or by red paint upon the curb surface except that a bus may stop at a designated bus stop;

J. Within twenty feet of the approach to any traffic signal, boulevard stop sign or official electric flashing device. (Prior code § 3420.103)

10.16.190 Advertising or displaying for sale.

No operator of any vehicle shall park the vehicle upon any street in the city for the principal purpose of advertising or displaying it for sale, unless authorized by the council. (Prior code § 3420.105)

10.16.200 Parking adjacent to schools.

A. The city traffic engineer is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when the parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Prior code § 3420.108)

10.16.210 Parking on grades.

No person shall park or leave standing any vehicle unattended on any street when upon any grade exceeding six percent without blocking the wheels of the vehicle by turning them against the curb or by other means. (Prior code § 3420.110)

10.16.220 Parking on narrow streets.

A. The city traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign or marking. (Prior code § 3420.109)

10.16.230 Parkways.

No person shall stop, stand or park a vehicle within any parkway. (Prior code § 3420.101)

11-20.100--11-20.140

The authority to issue and revoke permit under this section may be delegated by resolution of the city council to the police chief or city manager, provided that in that event, an appeal may be made from any decision of such person to the city council. (Prior code \$15.35)

11-20.100 Parking wholly in designated space. No person shall park any vehicle, or cause, allow, permit or suffer any vehicle registered in his name or operated or controlled by him to be parked in such a position that it will not be entirely within a parking space, where such is designated by lines or markings painted upon the curb or street adjacent thereto, or within a public off-street parking facility. (Prior code \$15.36)

11-20.110 Parking vehicles for sale prohibited. No person shall stand or park any vehicle on any street for the purpose of displaying such vehicle for sale by sign or otherwise. (Prior code \$15.50)

11-20.120 Parking on street for repairs, washing, painting, etc.--Prohibited. No person shall stand or park any vehicle upon any street for the purpose of washing, greasing, repairing, painting or overhauling such vehicle, except repairs necessary by an emergency. (Prior code \$15.51)

11-20.130 Parking--Setting brakes, etc. No person shall cause, allow, permit or suffer any vehicle registered in his name or operated or controlled by him to be parked upon any street or any public or private off-street parking facility with a perceptible grade without setting the brakes thereon and blocking the wheels of said vehicle by turning them against the curb or by other means. (Prior code \$15.52)

11-20.140 Parking in alleys. No person shall cause, allow, permit or suffer any vehicle registered in his name or operated or controlled by him to be parked in any alley for any purpose other than loading or unloading freight from adjacent property. (Prior code \$15.53)



RECEIVED
APR 9 1986
GREATER SAN JOAQUIN
INDEPENDENT AUTOMOBILE
DEALERS ASSOCIATION OF CALIFORNIA

845 North Wilson Way Stockton, California 95205
ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

April 8 1986

CLINT KELLY, PRESIDENT

C. Kelly Motors
730 S. Cherokee Lane
Lodi, CA 95240
(209) 368-7103

JOHN PEREZ, CHAIRMAN

Port City Auto Sales, Inc.
501 N. Wilson Way
Stockton, CA 95205
(209) 464-4811

LONNIE CORREA, 1ST VICE PRESIDENT

Ace Auto Sales
1397 N. Main Street
Manteca, CA 95336
(209) 239-3235

**CHARLES HASTINGS,
2ND VICE PRESIDENT**

Rishwain and Hastings
231 E. Weber Avenue
Stockton, CA 95201
(209) 948-8229

MARYLYN KELLY, SECRETARY

C. Kelly Motors
730 S. Cherokee Lane
Lodi, CA 95240
(209) 368-7103

SUE FIELD, TREASURER

4942 Franco Avenue
Stockton, CA 95210
(209) 931-2680

Past Presidents

John Perez, 1983-1984
Ray Glover, 1981-1983

CARL R. BRAKENSIEK
Executive Director

BILL DORNING

Director of Government Relations
1225 Eighth Street, Suite 260
Sacramento, CA 95814
(916) 441-6663

Attorney of Record

CHARLES HASTINGS
231 E. Weber Avenue
Stockton, CA 95201
(209) 948-8229

TO THE LODI CITY COUNCIL:

Ray Glover President of Independent
Auto Dealers Association of California
and Clint Kelly President of the local
chapter; would like to address the City
council members about curbstoning.---
Cars that are for sale at street corner's
around town. This is a request to be
put on the agenda for the April 16th
meeting.

Thank you

Clint Kelly
Clint Kelly

PLEASE SEND RESPONSE TO:

C. KELLY MOTORS
730 S. Cherokee
Lodi CA 95240

1. Request received
by Ron Allen to
continue this matter
to 5/21/86 - ac

2. Per request,
matter continued
to 7/2/86 Council
meeting. No Kelly
contacted by telephone
at
5/22/86

