

CITY COUNCIL MEETING  
JULY 2, 1986

"CURBSTONING"  
(PARKING OF VEHICLES  
THROUGHOUT CITY FOR

DISPLAY OR SALE)

CC-45(a)

Following introduction of the subject agenda item by City Manager Peterson, Mr. Ray Glover, State President of the Independent Auto Dealers Association addressed the Council. Mr. Glover presented a petition bearing the signatures of approximately 20 owners or managers of automobile dealers of the City of Lodi which reads as follows:

"Re: Ordinance proposal prohibiting on street parking of privately owned automobiles for sale purposes on public property.

The undersigned automobile dealers of the City of Lodi are in support of the establishment and enforcement of an ordinance prohibiting on-street parking of privately owned automobiles for sale purposes on public property.

We feel that allowing on street parking of cars for sale by private individuals encourages profiteering by people who engage in selling cars for a monetary gain on a continuing basis. If a private party wishes to sell his/her vehicle, it should be done on their premises, not on public streets.

We, the car dealers of Lodi, follow regulations from the Division of Motor Vehicles, zoning, pollution control, State Board of Equalization, and Consumer Affairs, in addition to paying our fair share of taxes. Purchasing automobiles for the "intent of resale" is against the law unless you are a licensed car dealer. We urge you not to provide a place that encourages profiteers to break the law!"

Mr. Glover urged the adoption of a City ordinance prohibiting the parking of cars on roadways or on private property for sale purposes and provided Council with sample language for such an ordinance.

Also addressing the Council regarding the subject were:

- a) Mr. Darrel Geweke, 1045 S. Cherokee Lane, Lodi
- b) Mrs. Oscar Hess, 838 Virginia, Lodi
- c) Mr. Walter Pruss, 2421 Diablo Drive, Lodi

A very lengthy discussion followed with questions being directed to Staff, the City Attorney and to those who had given testimony regarding the subject.

Council referred the matter to Staff with direction to amend language contained in Ordinance No. 1381, entitled, "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" which had been introduced by the Council on March 19, 1986.

## COUNCIL COMMUNICATION

TO THE CITY COUNCIL  
FROM THE CITY MANAGER'S OFFICE

DATE  
July 2, 1986

NO.

SUBJECT: "CURBSTONING" (PARKING OF VEHICLES THROUGHOUT CITY FOR DISPLAY OR SALE)

Prepared by: Alice M. Reimche  
City Clerk

This matter had been continued to the July 2, 1986 Council meeting at the request of Mr. Clint Kelly of C. Kelly Motors, Lodi. Mr. Kelly advises that Mr. Ray Glover, State President of the Independent Auto Dealers Association and Mr. Troy Kelly, owner of 49er Auto Sales will be in the audience to address the Council regarding this matter on July 2, 1986.

Enclosed is background information regarding the subject which had been provided to the Council earlier which includes:

1. Council Communication dated May 13, 1986 from City Attorney Stein.
2. Ordinance No. 1381 regarding displaying of vehicles for sale upon any street, public right-of-way or public property which was introduced by the Lodi City Council at the March 19, 1986 Council meeting.
3. Various sample ordinance from other cities.
4. Letter from Mr. Clint Kelly asking to address the Council regarding this matter.

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

AMR:jj

# CITY COUNCIL COMMUNICATION

TO: THE CITY COUNCIL FROM: THE CITY MANAGER'S OFFICE	DATE MAY 13, 1986	NO.
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

4-3 P6

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 AS TO FORM

1400 K Street Sacramento, California 95814

LEAGUE OF CALIFORNIA CITIES

1400 K Street

Sacramento, California 95814

RETURN IN 2 WEEKS PLEASE

7-3-86



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

845 North Wilson Way Stockton, California 95205  
ALICE M. REINICHE  
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 7/12/86 Council meeting. Mr Kelly contacted by telephone 5/22/86





**Independent Automobile Dealers  
Association of California**

1225 EIGHTH STREET, SUITE 260  
SACRAMENTO, CALIFORNIA 95814-4898  
(916) 441-6663

1986 JUN 20 AM 8 44

June 18, 1986

ALICE M. REYNOLDS  
CITY CLERK  
CITY OF LODI

**EXECUTIVE COMMITTEE**

**Ray F. Glover - President**

G. A. G. Motors  
845 N. Valley Blvd.  
Stockton, California 95205  
(209) 465-0254

**Pat Matlach - Chairman of the Board**

Desert Motors  
16598 D Street  
Victorville, California 92392  
(818) 245-5921

**John Braun - Senior Vice President**

All State Motors  
900 S. First Street  
San Jose, California 95110  
(408) 287-9330

**Frank Murray - Vice President**

Murray's Auto Clinic  
1548 San Leandro Boulevard  
San Leandro, California 94577  
(415) 483-3737

**Ed Houck - Vice President**

Standard Rent a Car  
1122 N. Abby Street  
Fresno, California 93701  
(209) 266-9916

**Luis Estrada - Vice President**

Trade-In Used Cars  
10019 San Fernando Road  
Pacoima, California 91331  
(818) 899-6800

**Jerry Cowgill - Secretary**

Big J's Used Cars  
2440 Thompson Boulevard  
Ventura, California 93003  
(805) 652-2021

**Jay Penrod - Treasurer**

Jay's Auto Sales  
1977 E. Fourteenth Street  
San Leandro, California 94577  
(415) 357-3555

**PAST PRESIDENTS**

Pat Matlach, 1983-84  
Larry Brasher, 1982-83  
Tom Field, 1981-82  
Jim McCabe, 1980-81  
Roy Wilhite, 1979-80  
Len Boyd, 1978-79  
Jordan Sugarman, 1977-78  
Bob Dutton, 1976-77  
Tom Kent, 1975-76  
Jim Mitchell, 1974-75  
Vic Snyder, 1973-74  
Frank Hammer, 1972-73  
Manuel Rogers, 1971-72  
John Hiatt, 1970-71  
Doug Airman, 1969-70  
Bob Scordino, 1968-69  
Lucky Skyrme, 1966-68  
Leonard Cravens, 1964-66  
Wall Howey, 1962-64  
Travis Godbold, 1961-62  
Leonard Cravens, 1960-61  
Wendell Anderson, 1959-60  
Dick Rafterly, 1957-59

**Carlyle R. Brakensiek  
Executive Vice President**

**Bill Dohring  
Director of Government Relations**  
Margaret E. Taylor  
Administrative Director

**Stan Smith - Insurance Agent  
of Record**  
Northstate Agency  
512 E. Twelfth Street  
Oakland, California 94606  
(800) 772-3541

**AdvoCal  
Legislative Advocates**  
1225 Eighth Street, Suite 260  
Sacramento, California 95814-4898  
(916) 446-6161

Mayor Fred Reid  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95240

Re: Private sales of used cars on public property and unauthorized private parking lots.

Honorable Fred Reid:

It is my understanding that there is no city ordinance established prohibiting the parking of privately owned automobiles for sale purposes on public property. Cases in point are the intersections of Kettleman and Cherokee Lanes, and Hutchins Road and Lodi Avenue, where at any given time there are ten (10) to fifteen (15) cars for sale by private parties. These are two of the most apparent locations, however, the problem is rampant throughout the City of Lodi. On and off street parking of privately owned vehicles for sale purposes has numerous detriments:

1. On street parking is hazardous because car shoppers become so pre-occupied with viewing the automobile that they neglect safe driving principles. After the car shopper has double parked his own vehicle, he often walks around causing a further distraction for on-coming moving vehicles.
2. Off street parking, i.e., a shopping center parking lot is in the control of the private property owner. Abandoned, neglected and derelict type vehicles are often parked for sale in shopping centers and cause an eye sore deterring business. The parking lots were designated and zoned for the convenience of the shopping center patron, not the individual that has private interests at heart.
3. The tax revenue loss resulting from the above situation comes from the non-transfer of titles in a timely manor or not at all. Department of Motor Vehicles records have shown that some of these vehicles have been sold four (4) or five (5) times without ever being transferred.
4. Any injury or accident resulting from the showing, entering and leaving, or demonstrating of these vehicles could leave the property owner, be it public or private, directly responsible.

The Vehicle Code states, no vehicle shall be offered for sale for 'profit' unless the individual is a licensed automobile dealer and has a valid place of business. Different vehicles offered for private sale sometimes have the same telephone number in the window



which causes one to believe that the seller is in violation of the above code. Profiteering without a dealers license by private individuals creates numerous problems for the consumer:

- a. Vehicles are sold that do not conform to pollution control laws.
- b. Unsafe vehicles are sold.
- c. Fraudulent titles are issued.
- d. Stolen vehicles are sold (out of state vehicles especially).

Transactions of the same vehicle are repeated without official title transfer to avoid detection by the Department of Motor Vehicles or proper enforcement agencies, i.e., the State Board of Equalization, I.R.S., Franchise Tax Board, Air Resources Board, and Bureau of Automotive Repair.

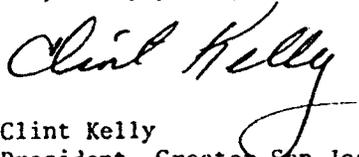
Unscrupulous profiteers that circumvent Department of Motor Vehicles procedures escape the 6% mandatory use tax which directly effects the city by the loss of its share of tax revenue, as well as, the loss of monies for business licenses and property taxes.

Recent reports by Department of Motor Vehicles have indicated as high as 83% of the vehicles sold in 1981 and 1982 in the State of California are sold by private parties. I feel that this city would do its share to close the gap by first establishing an ordinance prohibiting on street public car sales unless in designated areas such as 'Deal Direct' or 'U-Sell' consignment lots or on the sellers private property. Encourage private property owners to post their parking lots with 'Patron Parking Only' signs and require authorities to cite violators. 'U-Sell' or 'Deal Direct' lots are monitored by the Department of Motor Vehicles.

The used car dealers of Lodi diligently work to create a positive image for their profession which for years had negative overtones. They pay their share of taxes, they abide by zoning regulations, Department of Motor Vehicle regulations, pollution control regulations, State Board of Equalization regulations, as well as, State and Federal Consumer Affairs regulations.

Individuals allowed to use public streets and shopping center parking lots are void of these regulations and some are in direct competition with the professional dealers of this city.

Very truly yours,



Clint Kelly  
President, Greater San Joaquin IADAC

CK:kg

cc: David Henschman, Councilman  
John Snider, Councilman  
Evelyn Olsen, Councilwoman  
Jim Pinkerton, Councilman  
Chief Williams, Lodi P.D.  
Joanne Skoog, Lodi Sentinel  
Ray Glover, President IADAC

June 16, 1986  
City of Lodi  
City Council Members

RECEIVED

DATE: 7/2/86

ALICE M. REIMCHE  
CITY CLERK  
CITY OF LODI

Re: Ordinance proposal prohibiting on street parking of privately owned automobiles for sale purposes on public property.

The undersigned automobile dealers of the City of Lodi are in support of the establishment and enforcement of an ordinance prohibiting on street parking of privately owned automobiles for sale purposes on public property.

We feel that allowing on street parking of cars for sale by private individuals encourages profiteering by people who engage in selling cars for a monetary gain on a continuing basis. If a private party wishes to sell his/her vehicle, it should be done on their premisses, not on public streets.

We, the car dealers of Lodi, follow regulations from the Division of Motor Vehicles, zoning, pollution control, State Board of Equalization, and Consumer Affairs, in addition to paying our fair share of taxes. Purchasing automobiles for the "intent of resale" is against the law unless you are a licensed car dealer. We urge you not to provide a place that encourages profiteers to break the law!

BUSINESS	OWNER OR MANAGER
1. Payless Auto Sales	D. M. Smith Sales Mgr.
2. Lodi Honda	Carl Teach Sales Mgr.
3. SANBORN CHEVROLET	Paul Sealy Sales Mgr.
4. LODI SMALL CAR SALES	Wayne Koepplin - OWNER
5. Tim O'Connor Auto Sales	T. D. O'Connor (owner)
6. Bluebird Motor Company	Patricia Cook-Jay (owner)
7. JERRY'S Auto SALES	J. L. Jones owner
8. Cars Unlimited	Charles W. Hosenfus
9. Mountain of	Art L. P.
10. Lokay Motors	Ben Meidinger, owner
11. DEAL CITY USED CARS #7288 105 E. Pined St. Lodi, CA 95240	Don Kipps owner
12. West of the Sun	Mike Wagner, Sr. mgr.
13. Dice Sales	Mike
14. 122 E. Lodi Ave. Lodi, CA 95240	Bennett's Used Cars 122 E. Lodi Ave. Lodi, CA 95240 Mike B. Zuk mgr.
15.	

BUSINESS

OWNER OR MANAGER

- 16. PRINCE BOS. AUTO SALES *W.R.*
- 17. Cherokee Motors *Bill Compa*
- 18. 49ER AUTO SALES *Roger Kelly, owner*  
821-A So. Cherokee Lane  
Lodi, California 95240
- 19. *Frank Munt owner*
- 20. CZIANT MOTORS *Frank Munt owner*
- 21. Vineyard Motors *Frank Munt*
- 22. Kelly Motors *Frank Munt*
- 23. Floyd's Motors *Floyd Gaines*
- 24. ~~Fleming Ford~~ *Floyd Gaines*
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.
- 32.
- 33.
- 34.
- 35.

SEC. 10-017.4. PARKING FOR CERTAIN PURPOSES PROHIBITED:

1. No person shall park or cause to be parked, a vehicle upon any roadway for the purpose of:

- a. Repairing such vehicle except repairs necessitated by an emergency.
- b. Advertising, or 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.

\*2. No person shall park or cause to be parked, upon any roadway or private property, except duly authorized "Used Car Lots", any vehicle displaying any sign, picture, transparency, advertisement or mechanical device for the purpose of advertising or which advertises or bring notice to any person the fact that the vehicle is to be sold, except on the private property of the owner of said vehicle and the public streets immediately adjacent thereto so long as said advertising sign is not more than 10" x 12" and includes the name, address and telephone number of the seller. (Sec. 10-017.4 Amended by Ordinance 2969-C.S.--Effective Sept. 29, 1977)

SEC. 10-018.9. PARKING PROHIBITED ON PARKWAY:

No person shall stop, stand or park a vehicle in or upon any portion of a parkway.