

ORANGE COUNTY REGISTER

San Juan Capistrano to lift its ban on 'for sale' signs on parked cars

By [FRED SWEGLES](#)

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SAN JUAN CAPISTRANO – Michael Cefali says he is looking forward to the day when he can park his car in front of his house with a for-sale sign on it without fear of a \$50 ticket.

It took a free-speech lawsuit to do it, but Cefali has persuaded San Juan Capistrano to lift a prohibition against parking a vehicle on a city street for the purpose of sale, hire or rental.

The City Council, at its Oct. 4 meeting, voted 5-0 to introduce an ordinance to remove the ban from the parking code.

“Isn’t that great?” Cefali said Monday.

It turns out that Cefali, 27, was the wrong person for the city to cite in May, two months before he graduated from Chapman Law School. He did some research and connected with the Pacific Legal Foundation, a nonprofit public-interest group that overturned a similar ban in Alexandria, Va., last year.

Cefali and his Pacific Legal Foundation attorney, Larry Salzman, filed a lawsuit against the city in September, arguing that the ban violates First Amendment free-speech rights.

The City Council chose not to contest the lawsuit.

City Attorney Jeff Ballinger said in a report to the council that the ban is part of a parking code that is intended to maintain the quality and safety of San Juan Capistrano’s neighborhoods and to avoid blight. After the ban is deleted, the code will have other tools in place, Ballinger said, such as the ability to designate certain stretches of curb for no parking, no stopping, two-hour parking or other restrictions.

Council members introduced the ordinance without comment.

Salzman said Monday that he was pleased. “The city has made the decision to repeal the part of the ordinance that violates the First Amendment,” he said. “That’s a very good thing.”

If the City Council takes the next step to adopt the ordinance and make it official, Salzman said, his team will drop the lawsuit.

“The lawsuit will have achieved everything it intended to protect the First Amendment rights of people in San Juan Capistrano,” he said, “and we hope to send a message to the cities not just in Orange County but across the country.”

Cefali said he is happy.

“The city responded to the concern quickly,” he said, “and did exactly what we asked of them.”

He said he hasn’t sold his 2014 Volkswagen Tiguan and was told by his attorney that the city has directed deputies to stop writing tickets for that section of the code. But he hasn’t put his car on the street again with a for-sale sign on it.

“I don’t want to do it until everything has passed,” Cefali said.

Even after adoption – which could come Oct. 18 – it takes 30 days for a new ordinance to go into effect.

Kelly Puente contributed

to this article.

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