

ORDINANCE NO: 2011-01

**AN ORDINANCE OF THE AUDUBON HILLS
COMMUNITY SERVICES DISTRICT
REGARDING PARKING RESTRICTIONS**

WHEREAS, the Board of Directors (the “Board”) of the Audubon Hills Community Services District (the “District”) believes that establishing parking restrictions on District streets is necessary to protect the health and safety of community residents and to protect the streets; and

WHEREAS, the District is authorized to adopt ordinances, pursuant to Government Code section 61060. The District is further authorized under Government Code section 61100 to improve and maintain its streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters and sidewalks of the District. In addition, Government Code section 61103 provides that this community services district shall have all of the powers, duties and authorities of a county as specified in the Vehicle Code with respect to prohibiting or restricting parking of vehicles on streets and sidewalks maintained by the District; and

WHEREAS, Vehicle Code section 22507(a) authorizes the District to act by ordinance to prohibit or restrict the stopping, parking, or standing of vehicles on all or specified streets within the District, or portions thereof, during all or certain hours of the day, provided signs have been placed giving adequate notice to the public of such parking restrictions; and

WHEREAS, Vehicle Code section 22504(a) provides that no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon a street, whether such street is paved, surfaced or otherwise plainly marked by vehicle use, when it is practicable to stop, park or leave the vehicle off such portion of the road; and

WHEREAS, Vehicle Code section 22500(e) provides that no person shall stop, park or leave standing any vehicle, whether attended or unattended, in front of a public or private driveway, whether that driveway is paved, surfaced or otherwise plainly marked by vehicle use; and

WHEREAS, Vehicle Code section 22651 authorizes the District, in enforcing its parking laws and regulations, to remove a vehicle when a vehicle is parked or left standing upon a street maintained by the District in violation of these parking regulations adopted by the District.

NOW THEREFORE, the Board of Directors of the Audubon Hills Community Services District hereby ordains as follows:

SECTION 1.0

PURPOSE

The purpose of this ordinance is to restrict the parking of all vehicles, boats, campers, trailers, and other similar vehicles on all streets within the District, located in El Dorado County, California, on the terms and conditions contained herein.

1.1 Prohibition of Parking Vehicles, Boats, Campers and/or Trailers on District Streets.

- a. No person who owns or has custody or control of any vehicle, boat, camper or trailer shall park or store such vehicle on any street or right-of-way maintained by the District in those locations and at those times specified on signs placed by the District giving notice of the provisions hereof.
- b. No person shall stop, stand or park any vehicle contrary to the directions and provisions of such signs placed by the District.
- c. The District shall place signs indicating “No Parking At Any Time” upon any street maintained by the District.

1.2 Special Circumstances Permitting Limited Parking.

This section shall not prohibit the parking of vehicles if they are, at the time, engaged in any of the following activities:

- a. Loading or unloading of persons and/or property; or
- b. Parked in connection with or in the aid of the immediate performance of a service to or on a property in the immediate proximity in which such vehicle is parked; or
- c. Parked or left standing as a result of a mechanical breakdown so as to allow for the performance of emergency repairs on the vehicle, or while waiting for a tow operator for a period not to exceed two hours; or
- d. Emergency vehicles of any political subdivision of the State of California or of a public utility, while the driver of any such vehicle is engaged in the necessary performance of public emergency duties.

1.3 Temporary Parking Signs.

- a. Whenever the District determines that traffic congestion is likely to result on any street maintained by the District due to street construction, maintenance or repair work, or for any other reason, the District is authorized to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets during the duration of such street construction, maintenance or repair work. Such signs shall remain in place only during the existence of such construction, maintenance or repair work.
- b. When signs authorized by provisions of this section are in place giving notice of the provisions hereof, no person shall stop, stand or park any vehicle contrary to the directions and provisions of such signs.

SECTION 2.0

REMOVAL OF ILLEGALLY PARKED VEHICLES

- 2.1 The District may remove a vehicle which is determined to have been parked in violation of the provisions of this Ordinance in those situations specified in Vehicle Code section 22651 as follows:

TOWED OR REMOVED IMMEDIATELY

- a. When a vehicle is parked or left standing on a District street in a position so as to obstruct the normal movement of traffic;
- b. When a vehicle is parked so as to block the entrance to a private driveway;
- c. When a vehicle is parked so as to prevent access by firefighting or other emergency equipment;

CITED AND TOWED AFTER 72 HOURS

- d. When a vehicle is parked or left standing in those areas where the District has posted signs prohibiting parking in such area and providing notice of the potential removal of the vehicle for violating such parking restrictions for a period of 72 hours after the issuance of a citation by district;
 - e. In removing illegally parked vehicles, the District will comply with all the provisions of Vehicle Code sections 22651 et seq.
- 2.2 Cited vehicles which are not permanently removed from any District street or driveway intersecting a District street within 72 hours after such citation has been issued will be in violation of this Ordinance and subject to removal by the District's duly authorized towing agent at the owner's expense pursuant to the provisions of Vehicle Code section 22651 et seq.
- 2.3 The District shall place appropriate signs applying to all streets within the District to give notice of this section indicating the affected District streets where vehicle parking is prohibited, and giving notice of the fact that cited vehicles will be towed at the owner's expense.

SECTION 3.0

AUTHORITY

- 3.1 The Audubon Hills Community Services District is authorized to adopt ordinances, pursuant to California Government Code section 61060. The District is further

authorized under Government Code section 61100 to improve and maintain its streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters and sidewalks of the District.

- 3.2 Government Code section 61103 provides that a district with the authority granted under Government Code section 61100 shall have the powers, duties, and authority of a county for those works including, but not limited to Division 11 of the Vehicle Code, commencing with section 21000.
- 3.3 Sections 22500, 22504(a), and 22507 of the Vehicle Code permit the District to prohibit or restrict the parking of vehicles on streets within the District, and to post signs at those locations where parking is prohibited as described in this Ordinance.
- 3.4 Any person violating any of the provisions of this section is guilty of an infraction thereof and shall be punished by (1) a warning for the first three violations; (2) a fine not exceeding five hundred dollars (\$500) for each additional violation within one year. In addition to a fine, any subsequent violations in addition to four within one year will subject the vehicle to being towed at the owner's expense by a District authorized agent without further warning.

This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in full within fifteen (15) days after its adoption in a local newspaper.

This Ordinance was introduced and the entire ordinance read in full at the regular meeting of the Audubon Hills Community Services District Board of Directors on April 12th, 2011, and further reading was waived.

On a motion by Director Matheson, seconded by Director Coble, the foregoing Ordinance was passed and adopted by the Board of Directors of the Audubon Hills Community Services District this 12th day of April, 2011, by the following vote:

AYES: DIRECTORS: Coble, Matheson, McCarthy

NAYS: DIRECTORS: Backlund

ABSTAIN: DIRECTORS:

ABSENT: DIRECTORS: Clark

PRESIDENT OF THE BOARD

BOARD SECRETARY