

ORDINANCE NO: 2012-01 (amending 2010-01, 2008-01)

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

WHEREAS, the Board of Directors (the "Board") of the Rolling Hills Community Services District (the "District") believes that establishing maximum parking restrictions on District roads and bridges is necessary to protect the health and safety of community residents and to protect the roads; and

WHEREAS, due to the fact that the roads located within the Springfield Meadows area of the District are extremely narrow, the Board further believes that establishing restrictions to prohibit parking on the roads located within the Springfield Meadows community is necessary to protect the health and safety of community residents; and

WHEREAS, The Rolling 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, right-of-ways, bridges, culverts, drains, curbs, gutters and sidewalks of the District. Government Code section 61103 provides that this community services district shall have all of the powers, duties and authorities of a county with respect to prohibiting or restricting parking of vehicles on streets and sidewalks maintained by the District. In addition, Vehicle Code section 22507 provides that the district has the authority to restrict parking on particular streets during all or certain hours of the day; and

WHEREAS, the District believes that the adoption of a permit process pursuant to which any person would be required to obtain a permit to allow parking of commercial and recreational vehicles, boats and/or trailers under any circumstances other than those specifically allowed by this Ordinance, and to provide financial security for any damage and/or destruction to the District's roads and/or bridges is necessary to protect District property and the health and safety of District residents; 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 Rolling Hills Community Services District (District) ordains as follows:

SECTION 1

PURPOSE

The purpose of this ordinance is (1) to prohibit the parking of any vehicles whatsoever at any time on those streets within the Springfield Meadows neighborhood located within the District, as specified below; and (2) to restrict the parking of boats, campers, trailers, and other similar recreational and construction vehicles on all streets within the District located in El Dorado County, California.

- I. Prohibition of Parking any vehicles whatsoever on the roads or streets located within the Springfield Meadows neighborhood of the District. The District's Board of Directors has determined that allowing parking on those narrow streets within the District poses a threat to the health and safety of residents using such roads.

II. Prohibition of Parking Commercial and Recreational Vehicles, Boats and/or Trailers on Public Roadways within the District without a permit.

III. Prohibition against any person who owns or has custody or control of any commercial or recreational vehicle, boat or trailer from parking or storing such vehicle on any public street, highway or right of way within the boundaries of the District without obtaining a permit from the District as specified herein.

IV. This section shall not prohibit the parking of commercial and recreational vehicles, boats or trailers 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 during the hours of 7:00 a.m. through 7:00 p.m. to or on a property in the immediate proximity in which such vehicle is parked; or
- c. Parked or left standing to allow the operator respite in the immediate proximity in which such vehicle is parked for a period of not to exceed 30 minutes; or
- d. 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
- e. Parked or left standing as allowed by a special permit issued by the District; or
- f. 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; or
- g. Parking of motor homes, trailer coaches, recreational trailers, truck campers, camping trailers, or boat trailers designed for personal use for less than 24 hours. Persons may not reside in vehicles, operate generators, or empty septic tanks within District boundaries at any time.

V. Permits

- a. Any person and/or business entity seeking to park a commercial or recreational vehicle, boat or trailer under any circumstances other than those expressly allowed by Section IV.a-g of this Ordinance must submit an application form to the District, along with any fees established by the District for the review and issuance of such permit prior to parking any commercial or recreational vehicle, boat or trailer on any street or sidewalk within the jurisdictional boundaries of the District. A fee schedule and procedures governing the application process shall be adopted by resolution of the District. The fees imposed shall include reimbursement of all administrative, legal and other costs incurred by the District in reviewing the application and issuing the permit and adopting and/or amending this Ordinance.
- b. Upon review of the application, the District may impose conditions on the permit in order to insure the safety of the public and the integrity of District's roads and bridges, and any and all infrastructure thereunder.

c. The permit, if approved, shall be prepared and issued when all fees have been paid, and the applicant has signed the permit.

d. The permit shall state a date when the parking restriction exemption begins and the date when the permit shall expire. A person and/or business entity seeking a temporary parking restriction exemption shall apply to the District for a permit in accordance with any and all rules and procedures established by the District.

e. Permittee shall defend, indemnify and save harmless the District, its officers, agents, employees and representatives, and each of them, of and from any and all claims, demands, suits, causes of action, damages, costs, expense, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with the parking of commercial and recreational vehicles, boats and/or trailers on District streets pursuant to the provisions of this Ordinance. In no event shall District be liable for any damage, destruction, theft, loss, of any commercial or recreational vehicle, boat and/or trailer, or the contents thereof, for which the District issues a parking permit pursuant to the provisions of this Ordinance.

f. Permittee shall provide a cash deposit, surety bond or other security acceptable to the District in the amount determined by the General Manager or Board as sufficient to reimburse the District for any costs to be incurred by the District in enforcing the terms and conditions of any permit issued pursuant to this Ordinance, or for any damage or destruction to District streets, sidewalks, and/or bridges which may be caused by the parking of Permittee's commercial or recreational vehicle, boat and/or trailer on District streets, and/or costs of removal of illegally parked vehicles.

SECTION 2.

REMOVAL OF ILLEGALLY PARKED VEHICLES

I. 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 illegally parked so as to block the entrance to a private driveway;
- c. When a vehicle is illegally 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 areas 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.*

II. 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.*

III. 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.

AUTHORITY

I. The Rolling Hills Community Services District is authorized to adopt ordinances, pursuant to California Government Code section 61060. The District is further authorized to under Government Code Section 61100 to improve and maintain its streets, roads, right-of-ways, bridges, culverts, drains, curbs, gutters and sidewalks of the District.

II. 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 Vehicle Code, commencing with section 21000.

III. Section 22507 of the Vehicle Code permits a local authority 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.

IV. Cited vehicles which are not permanently removed from any public street, park or open-space within 72 hours after such citation has been issued will be in violation of RHCSO Ordinance 2012-01 (Amending 2010-01, 2008-01) and subject to removal by the District's duly authorized towing agent at the owner's expense.

V. The District General Manager shall place appropriate signs applying to all streets, roads or highways within the District to give notice of this section indicating the affected residential and commercial streets, roads or highways where commercial or recreational vehicle parking is prohibited.

VI. Any person violating any of the provisions of this Section is guilty of an infraction thereof and shall be punished by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation within one year; (3) 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 three within one year will subject the vehicle to being towed at the owner's expense by a District authorized agent without further warning.

SECTION 4.

Definitions.

As used in this ordinance, the terms listed below shall have the meaning assigned them.

I. "Commercial or recreational vehicle, boat and/or trailer" includes, but is not limited to all motorized and non-motorized tractors, trailers, semi-trailers, vans, trucks, open bed, utility bed or flat bed pickups, mobile equipment, machinery, motor homes, campers, boats, boat trailers, or other vehicles which meet one or more of the following criteria:

1. Vehicle or load height exceeds 7 feet; or
2. Vehicle or load width exceeds 7.5 feet, as measured from the widest portion of the vehicle or load, but not including mirrors; or
3. Vehicle or load length exceeds 20 feet (in combination with any attached trailers); or
4. Manufacturer's gross vehicle weight rating exceeds 10,000 pounds; or
5. Any non-motorized vehicle regardless of its height, width, length or weight when it has been detached from a motor vehicle that is capable of towing such vehicle.

II. "District" or "RHCS D" means the Rolling Hills Community Services District.

III. "General Manager" means the General Manager of the Rolling Hills Community Services District, or designee.

IV. "Person" means any natural person, a partnership, corporation, or other entity, public or private.

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 first reading waived at the regular meeting of the Rolling Hills Community Services District Board of Directors on April 17, 2012.

The foregoing Ordinance was read in its entirety at the regular meeting of the Rolling Hills Community Services District Board of Directors on May 15, 2012. On a motion by Director Mike Nevlida, seconded by Director John Kennedy, the foregoing ordinance was passed and adopted by the Board of Directors of the Rolling Hills Community Services District this 15th day of May, 2012, by the following vote:

AYES: 5	DIRECTORS: Halverson, Kennedy, Nevlida, Magee, Fawkes
NAYS: 0	DIRECTORS:
ABSTAIN: 0	DIRECTORS:
ABSENT: 0	DIRECTORS:

/s/
Tim Halverson
PRESIDENT OF THE BOARD

/s/
Linda Stone
BOARD SECRETARY