

ORDINANCE NO. 107

**AN ORDINANCE OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT
REPEALING, AMENDING, AND REENACTING ORDINANCE 67 and 88 REGARDING
PARKING REGULATIONS**

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF
THE SAN SIMEON COMMUNITY SERVICES DISTRICT AS FOLLOWS:**

SECTION 1: REPEAL and REENACT. That Ordinance 67 and 88 are hereby repealed, amended, and reenacted to read as follows:

SECTION 2: PARKING FOR MORE THAN SEVENTY-TWO HOURS PROHIBITED. Pursuant to California Vehicle Code Section 22507, no motor vehicle shall be parked or left standing upon any street, highway, or public area (whether improved or unimproved) within the District for seventy-two or more consecutive hours without having been moved at least one-tenth of a mile during that period.

SECTION 3: PARKING OF BROKEN DOWN OR WRECKED VEHICLES. No person shall park or stand or permit to remain for a longer period than two (2) hours on any public street, any motor vehicle unless it is registered and the appropriate fees have been paid under the California Vehicle Code or any motor vehicle that is wrecked or incapable of operating under its own power.

SECTION 4: SLEEPING IN VEHICLES. It is unlawful for any person to sleep in any vehicle parked on any street within the San Simeon Community Services District owned or maintained by the District between the hours of 10:00 P.M. and 6:00 A.M. of the following day.

SECTION 5: PARKING OF RECREATIONAL AND COMMERCIAL VEHICLES. No recreational vehicle as defined in Health and Safety Code Section 18010, semi-trailer as defined in Vehicle Code Section 550, trailer as defined in Vehicle Code Section 630, trailer coach as defined in Vehicle Code Section 635, or truck tractor as defined in Vehicle Code Section 655 shall be parked or left standing between the hours of Midnight and 6:00 A.M. upon any street within the San Simeon Community Services District (“District”) owned or maintained by the District unless a permit has first been issued therefore by the Manager of the District or an authorized representative of the District.

SECTION 6: EXCEPTION. Notwithstanding Section 5, a recreational vehicle, semi-trailer, trailer or trailer coach or truck tractor may be parked in the District if a 72-hour parking permit is issued pursuant to this section. The purpose of a parking permit is to allow users of a recreational vehicle, semi-trailer, trailer or trailer coach or truck tractor to park adjacent to their residences or businesses to load and unload and to allow out-of-town visitors to park in front of the residence which they are visiting for a limited time period. The provisions of this section shall not

supersede any covenants, conditions and restrictions or other private agreements. The terms of such parking permit shall be as follows:

A. Issuance of Permit. Parking Permits shall be issued by the General Manager or his/her designee, upon receipt of an application on a form the District shall establish for that purpose. Any resident of the District may obtain a parking permit authorizing him or her to park such a vehicle in front of his or her residence or place of business. Any out-of-town visitor of a residence may obtain a parking permit authorizing the visitor to park such vehicle in front of such residence, but may not reside in that vehicle overnight while it is so parked, or run water, waste or power lines to the vehicle over a public right of way. For purposes of this section, "out-of-town visitor" means any person who does not reside in the District.

B. Description of Permit; display. The Parking Permit shall include the license number of the vehicle authorized to be parked, the date of issuance, the time period the Parking Permit is valid, and the telephone number of the applicant. Such permit shall be taped to the vehicle on the inside of driver's side window and be clearly visible to District staff and the public.

C. Duration and renewal. The parking permit shall be valid for 72 hours. Upon expiration of a parking permit issued under this section, the applicant may apply for and be granted a parking permit if the applicant still qualifies under the conditions set forth herein. In no event shall more than two (2) parking permits be issued to an applicant within a thirty-day period.

SECTION 5: POSTING OF NOTICE. Appropriate signs or markings giving adequate notice of the restrictions provided for in this Ordinance shall be placed upon the affected streets and highways. Notice of removal of vehicle for violation of this Ordinance shall also be provided.

SECTION 6: VIOLATIONS AND PENALTIES. Any person who is in violation of any provision of this Ordinance shall be issued a citation by the General Manager or his/her designee in the following amounts:

- a. A fine not exceeding fifty dollars (\$50) for a first violation;
- b. A fine not exceeding one hundred dollars (\$100) for a second violation of this Ordinance within one year;
- c. A fine not exceeding two hundred fifty dollars (\$250) for each additional violation of this Ordinance within one year.

Furthermore, pursuant to section 22651 of the California Vehicle Code, any recreational vehicle, utility trailer, or camper parked or left standing on a public street or highway within the district in violation of this Ordinance may be removed from the street or highway. Any person whose vehicle has been towed away under this Ordinance will be responsible for paying any District costs and/or towing costs directly to the towing company in order to reclaim the vehicle.

SECTION 7: SEVERABILITY. If any subdivision, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent

jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or of any other provisions of other ordinances of the District. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses or phrases be declared invalid or unenforceable.

SECTION 8: EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 9. PUBLICATION. Within fifteen (15) days of passage, this Ordinance shall be published one time in a newspaper of general circulation published in the District, if there is one, and if not, then this Ordinance shall be posted for one week in three (3) public places in the District.

On motion of Director _____, Seconded by Director _____, and on the following roll call vote to wit:

Chairperson Lambeth _____ Vice-Chair Russell _____ Director Ricci _____

Director Fields _____ Director Price _____

Ordinance No.107 is hereby adopted this _____ day of April, 2010.

ATTEST:

ATTEST:

APPROVED AS TO FORM

Terry Lambeth
President, Board of Directors

Charles Grace
General Manager/
District Secretary

Robert Schultz
District Counsel