

ORDINANCE NO. 64

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT ENACTING RULES AND REGULATIONS FOR THE USE OF DISTRICT ROADS AND RIGHTS OF WAY AND REPEALING PRIOR ORDINANCES INCONSISTENT THEREWITH

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT as follows:

ARTICLE I. GENERAL

Section 1.0 Purpose, Scope and Short Title

4-1-1
This ordinance is enacted for the purpose of regulating the use of District roads and rights of way. This Ordinance may be cited as the District's "Traffic and Road Ordinance".

Section 1.1 Definitions

4-1-2
Whenever any words or phrases used in this Ordinance are not defined herein but are defined in the Vehicle Code of the State, such definitions are incorporated herein and are deemed to apply. For the purposes of this Ordinance, unless otherwise apparent from the context, certain words and phrases used in this Ordinance are defined in this section as follows:

(a) "Stop" shall mean the complete cessation of movement.

(b) "Rights of Way" or "District Rights of Way" shall mean roads, streets and ways owned by the District but not designated as a road or district road on Exhibits A and B attached hereto.

(c) "Road" or "District Road" shall mean the roads, streets and ways designated as such on Exhibits A and B attached hereto.

Section 1.2 Designation of Roads

4-1-3
No person shall operate a motor vehicle within the District except upon a district road in compliance with this ordinance or upon private property with permission of the property owner. District

4-1-3
roads are listed on Exhibit A attached hereto and hereby incorporated by reference and are shown on the map attached hereto as Exhibit B and hereby incorporated by reference.

Section 1.3 Designation of Rights of Way

No person shall operate a motor vehicle upon District owned property or rights-of-way which are not designated herein as a road without the prior express written permission of the District.

Section 1.4 Access to District Roads

REPLACED BY
ORD 96-119

(a) No person shall operate a motor vehicle on a District road unless such person is:

(i) The owner, renter or lessee of property within the District;

(ii) Employed by a District property owner, provided, such operator shall be limited to that required by such employment;

(iii) Operating a vehicle on behalf of a public agency or public utility;

(iv) Operating an emergency vehicle;

(v) An invited guest of a District property owner; or

(vi) On District business, including bona fide members of the press who desire to attend District meetings or investigating news events.

(vii) Employees or business invitees of the Bear Valley Springs Property Owners Association.

(b) Any person, other than a person designated hereinabove, deserving to operate a motor vehicle on District roads shall first obtain a permanent or temporary pass to do so from the District.

(c) No person shall drive through or across a District road which is temporarily or permanently barricaded or closed.

(d) The General Manager may declare District roads temporarily closed for repairs or snow removal as from time to time necessary.

ARTICLE 2. TRAFFIC ADMINISTRATION AND ENFORCEMENT

Section 2.0 Traffic: Powers and Duties

The Police Department shall:

4-1-4
(a) Enforce the "Traffic and Road Ordinance" of the District and the State vehicle laws applicable to road traffic in the District;

(b) Make arrests for traffic violations;

(c) Investigate traffic accidents;

(d) Cooperate with the General Manager and other officers of the District in the administration of the traffic laws and in developing ways and means to improve traffic conditions; and

(e) Carry out those duties specifically imposed by the provisions of this ordinance.

Section 2.1 Signs Required

4-1-4
No provisions of the Vehicle Code or of this ordinance for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic laws.

Section 2.2 Authority of Police Officers

4-1-4
Officers of the Police Department and District employees assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, audible, or other signals in conformance with the traffic laws; provided, however, in the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians,

4-1-4
officers of the Police Department may direct traffic as conditions may require, notwithstanding any provisions to the contrary set forth in this ordinance or in the Vehicle Code.

Section 2.3 Obedience to Certain Officers

No person shall fail to comply with any lawful order, signal, or direction of a traffic or police officer, or a member of the Fire Department, or a person authorized by the Chief of Police or by law.

Section 2.4 Exemptions

4-1-4
(a) Emergency Vehicles. The provisions of this ordinance regulating the operation, parking, and standing of vehicles shall not apply to any vehicle operated by the Police Department or Fire Department, any public ambulance, any public utility vehicle, or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner set forth in the Vehicle Code in response to an emergency call. Such exemptions shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others, or from the consequences of his wilful disregard for the safety of others.

(b) Construction, repair, and mail vehicles. The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to any vehicle of a District department or public utility while necessarily in use for construction or repair work or to any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation, or

delivery of United States mail.

ARTICLE 3. TRAFFIC CONTROL

Article 3.0 Authority to Install Traffic Signals

(a) Ordinance authorization. The General Manager shall have the power and duty to place and maintain, or cause to be placed and maintained, official traffic control devices when and as required by the provisions of this ordinance to make effective such provisions.

4-1-5
(b) Vehicle Code authorization. Whenever the Vehicle Code requires, for the effectiveness of any provisions thereof, that traffic control devices be installed to give notice to the public of the application of such laws, the General Manager is hereby authorized to install, or cause to be installed, the necessary devices, subject to any limitations or restrictions set forth in the laws applicable thereto.

(c) General Manager determinations. The General Manager may also place and maintain, or cause to be placed and maintained, such additional traffic control devices as he may deem necessary or proper to regulate traffic or to guide or warn traffic; provided, however, he shall make such determinations only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this ordinance or as may be determined by ordinance or resolution of the Board.

(d) Stop signs. Whenever any ordinance or resolution of the District designates and describes any street, or portion thereof,

4-1-5
as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, the General Manager shall erect and maintain stop signs on each and every street intersecting such through street, or portion thereof, so designated, at those entrances to other intersections where a stop is required, and at any railroad grade crossing so designated; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection where such entrance is controlled by an official traffic control signal. Every such sign shall conform with, and shall be placed as provided in the Vehicle Code.

Section 3.1 Lane Markings

The General Manager is hereby authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway.

Section 3.2 Roadway Markings

The General Manager is hereby authorized to place and maintain distinctive roadway markings, as described in the Vehicle Code, on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such markings or signs and markings. Such markings or signs and markings shall have the same effect as similar markings placed by the Department of Public Works of the State pursuant to provisions of the Vehicle Code.

ARTICLE 4. SPEED LIMITS

Section 4.0 Speed Limits

No person shall operate a motor vehicle in excess of the speed indicated herein for district roads.

Section 4.1 Increase of State speed limits

It is hereby determined upon the basis of a traffic investigation that the speed permitted by State Laws shall not be increased for District roads.

Section 4.2 Decrease of State speed limit

4-1-6
It is hereby determined upon the basis of a traffic investigation that the speed permitted by State Laws outside of business and residence districts as applicable upon District roads is greater than is reasonable or safe under the conditions found to exist upon such roads, and it is hereby declared that the prima facie speed limit for District roads shall be 35 mph, provided, the speed limit for the entire length of Bear Valley Road, Cumberland Road and Lower Valley Road and San Juan Road South of Bear Valley Road and North of Cumberland Road shall be 50 mph unless the General Manager posts a lower speed limit for portions thereof with approved signs.

Section 4.3 Off-Road Speed Limit

The speed limit for District owned parking lots and campgrounds shall be 10 mph.

ARTICLE 5. PARKING

Section 5.0 General

4-1-7
(a) Prohibited parking. The provisions of this ordinance prohibiting the stopping, standing, or parking of vehicles shall

apply at all times or at those times set forth in this ordinance, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(b) Limited parking. The provisions of this ordinance imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the laws of the District prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

Section 5.1 Parking Zones

4-1-77
(a) Maintenance. The General Manager is hereby authorized to maintain, by appropriate signs or by paint upon curb surfaces, all no stopping zones, no parking areas, and restricted parking areas as defined and described in this ordinance.

(b) Obedience. When curb markings or signs are in place, no operator of any vehicle shall stop, stand, or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this ordinance.

Section 5.2 No Parking Areas

No operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer, or other authorized officer, or traffic sign or signal:

(a) Within any divisional island unless authorized and clearly indicated with appropriate signs or markings;

(b) On either side of any road between the projected property lines of any public walk, public steps, road or thoroughfare terminating at such road when such area is indicated by appropriate signs or by red paint upon the curb surface;

(c) In any area where the General Manager determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property when such area is indicated by appropriate signs or by red paint upon the curb surface;

(d) In any area established as a no parking area when such area is indicated by appropriate signs or by red paint upon the curb surface;

4-1-7
(e) In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

(f) On any street or highway where the use of such street or highway, or a portion thereof, is necessary for the cleaning, repair, or construction of the street or highway or the installation of underground utilities, or where the use of the road or highway, or any portion thereof, is authorized for a purpose other than the normal flow of traffic, or where the use of the road or highway, or any portion thereof, is necessary for the movement of equipment, articles, or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement; provided, however, signs giving notice of such no parking shall be erected or placed at least twenty-four (24) hour prior to the effective time of such no parking;

(g) At any place within twenty (20') feet of a point on the curb immediately opposite the mid-block end of a safety zone

when such place is indicated by appropriate signs or by red paint upon the curb surface except that a bus may stop at a designated bus stop.

Section 5.3 Parking for certain purposes

(a) No operator of any vehicle shall park such vehicle upon any road in the District for the principal purpose of advertising or displaying it for sale.

(b) No person shall construct, or cause to be constructed, repair, or cause to be repaired, grease, or cause to be greased, or dismantle, or cause to be dismantled any vehicle, or any part thereof, upon any public road in the District. Temporary emergency repairs may be made upon a public road.

4-1-7
(c) No person shall wash, or cause to be washed, or polish, or cause to be polished, any vehicle, or any part thereof, upon any public road in the District when a charge is made for such service.

Section 5.4 Parking for other purposes

(a) Parking by peddlers and vendors: Permits required.

No person shall park or stand on any road, any lunch wagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy, ice cream, or other articles of food are sold or offered for sale without first obtaining a written permit to do so from the General Manager which permit shall designate the specific location where such vehicle shall stand.

(b) Transportation of property for hire: Permits required.

No person shall park or stand any vehicle or wagon used, or intended to be used, in the transportation of property for hire on any road while awaiting patronage for such vehicle or wagon

without first obtaining a written permit to do so from the General Manager, which permit shall designate the specific location where such vehicle may stand.

(c) Obedience. Whenever any permit is granted pursuant to the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart in any location other than as designated in such permit.

4-1-7
(d) Permits: Revocation. In the event such permittee is convicted in any court of competent jurisdiction for violating any of the provisions of this section, such permit shall be forthwith revoked by the General Manager upon the filing of the record of such conviction with the General Manager and no permit shall thereafter be issued to such person until six (6) months have elapsed from the date of such revocation.

Section 5.5 Parking Commercial Vehicles

(a) A person shall not park any commercial vehicle weighing more than six thousand (6,000) pounds unladen on any highway, alley or parcel of public property at any time in any residential zone, except for:

- (1) Necessary loading and unloading.
- (2) Vehicles engaged in performing a service activity on the adjacent lot or parcel of land.
- (3) Vehicles used in conjunction with a lawful commercial use on the adjacent lot or parcel of land.
- (4) Vehicles used during the construction of buildings or structures on the adjacent lot or parcel of land.

4-1-7
(b) A person shall not park any trailer or semi-trailer, regardless of weight upon any highway, street, alley, public way or public place unless the trailer or semi-trailer is at all times while so parked attached to a vehicle capable of moving the trailer or semi-trailer in a normal manner upon the highway, street, alley, or public way or public place.

This section shall not apply to trailer or semi-trailers in the process of being loaded or unloaded.

SEC 5.6 PENALTIES (ADDED BY ORD 94-103)

ARTICLE 6. RESTRICTIONS ON USE OF ROADS

Section 6.0 Truck Routes

4-1-8
(a) Designation. No person shall operate a motor vehicle on District roads which vehicle weighs in excess of 6,000 pounds gross weight, except upon those District roads which are designated by the General Manager as "Truck Routes".

(b) Obedience. When any such truck routes have been established and are designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of three (3) tons shall drive on such routes and no other; provided, however, the provisions of this section shall not prohibit the operator of any vehicle exceeding a maximum gross weight of three (3) tons coming from a truck traffic route having ingress and egress by a direct route to and from restricted streets when

necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on such restricted street, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon such restricted street for which a building permit has perviously been obtained therefor.

4-1-8
(c) Exceptions. The provisions of this section shall not apply to the following:

(1) School buses and passenger buses under the jurisdiction of the Public Utilities Commission of the State; and

(2) Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility.

Section 6.1 Restrictions on Certain Modes of Transportation.

(a) No person shall operate an unregistered motor vehicle, sled, skateboard, or unregistered motorcycle, on District roads.

(b) Every person operating a bicycle upon a roadway shall ride as near the right side of the roadway as practicable, exercising

4-1-8
due care when passing a standing vehicle or one proceeding in the same direction.

(c) No person shall ride or lead domestic animals, including horses, on District roads except in designated areas.

ARTICLE 7. MISCELLANEOUS RULES

Section 7.0 Commercial vehicles using private driveways

4-1-9
No person shall operate or drive a commercial vehicle in, on, or across any private driveway approach, sidewalk area, or the driveway itself without the consent of the owner or occupant of the property if a sign or markings are in place indicating that the use of such driveway is prohibited.

Section 7.1 Operations on private property

4-1-10
(a) It shall be unlawful for any person to operate or permit to be operated any motor vehicle, motorcycle, mini-bike, trail-bike, dune buggy, motor scooter, jeep, or other form of transportation propelled by an internal combustion engine upon the private property of another without permission or upon public property which is not held open to the public for vehicular use.

(b) The provisions of this section shall not be applicable unless there has been posted upon the property in question signs indicating that such operation is prohibited by the use of the words "motor vehicle riding prohibited", or words of similar nature.

(c) The provisions of this section shall not apply to emergency vehicles, governmental agencies, persons driving upon

4-1-10 | such property with the consent of the owner or person in lawful possession of such real property, or to the owner himself or his family, employees, agents, or lessees.

REPEALED BY
ORD 91-79

Section 7.2 Roadway Encroachments

(a) No person shall alter, remove or replace any improvement or appurtenance to a District road, including but not limited to, road signs, shoulders and drainage works.

(b) No person shall encroach upon the District road or right of way adjacent thereto by the construction, operation or maintenance of any facilities including utilities or private driveways, private roads without having first obtained an encroachment permit from the District to do so. Such permit may be issued by the General Manager upon condition that appropriate measures are taken to insure the integrity of the District's road.

(c) No person shall use or maintain real property adjacent to a District road in such a way as to cause or allow the deposit of debris upon District roads as a result of storm water drainage or otherwise.

Section 7.3 Other laws

4-1-3 | No person shall violate any provision of the California Vehicle Code while utilizing District roads.

Section 7.4 Reckless Driving

4-1-11 | No person shall drive any vehicle on District property, other than roads covered by the California Vehicle Code, in a

wilful or wanton disregard for the safety of persons or property.

ARTICLE 8. VIOLATIONS, SEVERABILITY

Section 8.0 Violations: General

4-1-12
(a) Any person convicted of an infraction under the provisions of this ordinance shall be punishable for a first conviction by a fine of not more than \$50, for a second conviction within a period of one year by a fine of not more than \$100, and for a third or subsequent conviction within a period of one year by a fine of not more than \$250.

(b) Notwithstanding the foregoing, any person convicted of violation of the Vehicle Code of the State shall be punishable pursuant to the Vehicle Code.

Section 8.1 Violation: Specified

4-1-12
Violation of this ordinance shall constitute an infraction.

Section 8.2 Severability

It is hereby found, determined and declared that should any portion of this ordinance be declared unconstitutional, illegal or unenforceable, the remaining portion would nonetheless have been adopted and is therefore severable from the portion declared unconstitutional, illegal or unenforceable.

Section 8.3 Repeals

Ordinances No. 32, 45, 46, 47, 48, 55, 56 and 58 are hereby repealed.

Section 8.4 Effective date

This ordinance shall be effective November 1, 1979.

ARTICLE 9 ABANDONED VEHICLES (ADDED BY ORD 73)

PASSED, APPROVED AND ADOPTED this 1st day of October
1979.

Frank R. Wallingford
President

ATTEST:

Mary E. Melton
Secretary

(SEAL)