

Ordinance 2005-1-S Parking During Snow Conditions

1. Purpose.

The purpose of this Ordinance is to safeguard the public health, safety and general welfare by prohibiting the parking of vehicles on county streets in the area of Ponderosa, to promote effective and speedy removal of snow by the PCSD contractor authorized to remove snow from the streets, and to prevent hazardous traffic conditions on the streets

2. Definitions.

When used in this Ordinance, the words and phrases contained in this section shall, for the purposes of this Ordinance, have the following meanings:

- 2.1 Generally, whenever any words or phrases are used in this Ordinance, they are to be used as defined in the California Vehicle Code or in decisions of California courts.
- 2.2 “Emergency vehicle” means any vehicle as defined in Section 165 or Section 165.5 of the California Vehicle Code.
- 2.3 “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purposes of and while actually engaged in loading or unloading merchandise or passengers.
- 2.4 “Person” means and includes a natural person, firm, partnership, association or corporation.
- 2.5 “Snow removal equipment” means rotary plows, graders and loaders with V-plow and/or wing-plow attachments, and such other machinery or equipment as may be engaged in snow removal, and all supporting vehicles contracted or otherwise authorized to remove snow from the county streets or roads.
- 2.6 “Street” means any street, avenue, highway or other public way in the county area of Ponderosa, and shall include the entire right-of-way thereof.
- 2.7 “Unattended vehicle” means a vehicle where the licensed driver responsible for the vehicle is not within an audible distance and immediately available for moving the vehicle.
- 2.8 “Vehicle” means a device by which any person or property may be propelled, moved or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

3. Parking prohibited--Violation.

During the existence of snow conditions, vehicles shall not be left stopped, parked, abandoned or otherwise unattended on any county streets in the area of Ponderosa. This section shall permit the stopping of passenger or commercial vehicles for periods of time sufficient to load or discharge passengers from such vehicles.

4. Declaration of snow conditions.

Snow conditions may be declared by the PCSD or their appointee whenever there is one inch of snow or ice on any part of the paved portion of any street, and a buildup of snow or ice is expected to continue to a point where the snow level will exceed three inches. Snow conditions exist and the provisions of this Ordinance shall apply and shall remain in effect until the PCSD or their appointee declares a cessation of snow conditions. Whenever possible, the PCSD or their appointee shall give notice of such snow conditions by Posting such notice in at least two locations; the PCSD building and the PPOA community bulletin board.

5. Unattended vehicles--Violation.

It is unlawful for any vehicle to be stopped, parked, abandoned or otherwise left unattended during a snow condition; the same is hereby declared to be an obstruction to the public streets and shall constitute a nuisance.

6. Removal of vehicles.

- a. Any vehicle which is in violation of this Ordinance may be moved or caused to be moved by those contractors designated by the PCSD or the California Highway Patrol.
- b. Charges for vehicle removal, tow away and storage, shall be assessed against the vehicle in accordance with the California Highway Patrol Tow Service Agreement for Tulare County. *<need to site tow ordinance>*

7. Notice to owner of removal.

Within twenty-four hours after the removal of such vehicle parked in violation of the provisions of this Ordinance, the <Sheriff or CHP> shall notify, in writing, the person known to be the owner of such vehicle by the registration thereof, of the following facts:

- 7.1 A general description of the vehicle, together with the license number.
- 7.2 The approximate time and the reason for removal and the place to which removed.

8. Warning signs.

Signs giving notice of the provisions of this Ordinance shall be erected at each entrance to the community of Ponderosa. Such signs shall be at least three feet square and shall be worded substantially as follows:

WARNING
\$150.00 FINE
NO PARKING ON COMMUNITY STREETS
WHENEVER SNOW CONDITIONS EXIST
VEHICLES PARKED IN VIOLATION WILL BE TOWED AWAY
PCSD Ordinance No. XX-YY

No vehicles shall be removed pursuant to the provisions of this Ordinance unless the signs required by this section have been erected at least twenty-four hours prior to the removal.

9. Additional warning signs

Additional signs, smaller in size but containing substantially the same wording, may be erected at such places within the community as the PCSD or its appointee deems appropriate.

10. Destruction of signs

It is unlawful for any person to tear down, remove, mutilate, destroy or otherwise tamper with any signs erected in furtherance of this Ordinance.

11. Emergency vehicles

This Ordinance shall not apply to emergency vehicles.

12. Violation or infraction

A violation of this Ordinance is expressly declared to be an infraction and punishable by a fine of *<one hundred fifty dollars>*.