



CITY OF MOUNTAIN HOUSE

ORDINANCE NO. 2024-27

AN ORDINANCE AMENDING TITLE 10 OF THE MOUNTAIN HOUSE MUNICIPAL CODE RELATED TO SREETS AND HIGHWAYS

WHEREAS, the City of Mountain House (“City”) came into existence on July 1, 2024, pursuant to the San Joaquin Local Agency Formation Commission’s Resolution 23-1526 Making Determinations, Approving and Ordering a Reorganization to Include Incorporation of the City of Mountain House, etc. (the “LAFCO Resolution”), which resolution the voters confirmed in an election held on March 5, 2024 within the territory of the City.

WHEREAS, pursuant to Section 10 of the LAFCO Resolution, and Government Code section 57376, the City Council’s first official act on July 1, 2024 was to adopt an ordinance (the “City ordinance continuing County ordinances”) providing that all San Joaquin County (“County”) ordinances previously applicable shall remain in full force and effect as city ordinances for a period of 120 days after incorporation, or until the City Council has enacted ordinances superseding the County ordinances.

WHEREAS, on July 1, the City Council adopted a Municipal Code consisting of ten titles, including Title 10, Streets and Highways, for the purpose of allowing for the future supersession of the ordinances continued by the City Ordinance continuing County ordinances by way of adding divisions, chapters, and sections to the Municipal Code by City Council ordinance.

WHEREAS, the City Council now desires to amend Title 10, Streets and Highways, to add various divisions and chapters adapted without substantive change from the continued County and Mountain House Community Services District ordinances. The additions supersede the provisions of Title 10 in the District and County Codes that were continued by the City Council on July 1.

NOW THEREFORE, the City Council of the City of Mountain House does ordain as follows:

Amendment of Title 10. Title 10 of the Mountain House Municipal Code is amended in its entirety to read as set forth in the attached Exhibit A.

Effective Date. This Ordinance shall take effect thirty days after passage.

Publication and Posting. The City Clerk shall comply with Government Code section 36933's publication and posting requirements.

Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

PASSED AND ADOPTED by the City Council of the City of Mountain House, California at a meeting thereof held this 25th day of September 2024 by the following Vote, to wit:

AYES: DISKO, GREEN, HARRISON, TINGLE, MAYOR SU

NOES: NONE

ABSENT: NONE

ANDY SU, MAYOR
City of Mountain House,
County of San Joaquin, State of
California

ATTEST:
City Clerk of the City of Mountain
House, County of San Joaquin, State of
California

By: _____

EXHIBIT A

TITLE 10. STREETS AND HIGHWAYS

DIVISION 1. TRAFFIC DEFINITIONS, ADMINISTRATION AND ENFORCEMENT

CHAPTER 1 DEFINITIONS

10-1-100 Vehicle Code Definitions.

Whenever any words or phrases used in this Title are not defined in this Chapter but are now or hereafter defined in the Vehicle Code of the State, the definitions are incorporated in this Chapter and shall be deemed to apply to such words and phrases used in this Title as though set forth in this Chapter in full.

CHAPTER 2 ADMINISTRATION

10-1-200 City Traffic Engineer—Office Established.

The office of the City Traffic Engineer is established. The City Manager, if licensed to act as City Traffic Engineer, shall serve as City Traffic Engineer or shall appoint the person to so act, who shall exercise the powers and duties with respect to traffic as provided in this Title.

10-1-201 City Traffic Engineer—Duties.

It shall be the general duty of the City Traffic Engineer to determine the installation and proper timing and maintenance of traffic-control devices and signals; to conduct engineering analyses of traffic accidents, and to devise remedial measures; to conduct engineering and traffic investigations of traffic conditions; to cooperate with other City officials in the development of ways and means to improve traffic conditions; and, to carry out the additional powers and duties imposed by the ordinances of the City.

CHAPTER 3 ENFORCEMENT

10-1-300 Police Officers—Authority.

It shall be the authority of the officers of the police department, and such officers as are assigned by the Chief Law Enforcement Officer, to enforce all traffic laws of this City and all of the State vehicle laws applicable to traffic in the City.

10-1-301 Authority to Issue Parking Citations.

Parking citations or notices of violations, related to charging violations of local or Vehicle Code regulations governing the parking or standing of vehicles, may be issued by any peace officer, by any other employee or agent of the police department or of the City who is duly authorized by the Chief Law Enforcement Officer so to do, by any other person specifically so authorized by some other provision of law, and by any other person specially authorized by the Chief Law Enforcement Officer in writing so to do. Whenever the Chief Law Enforcement Officer delegates such authority to persons other than peace officers, the Chief shall endeavor to see that each such person is adequately instructed regarding the provisions of the parking

regulations to be enforced, and the evidentiary prerequisites to proper prosecution for violations thereof. The Chief shall further provide such persons with the same forms of citations or notices of violations as are utilized for the purpose by officers of the police department. Any such persons shall be appropriately instructed to deposit executed citations or notices with the police department for filing with the court, after review for legal sufficiency.

10-1-302 Police Officers—Traffic Direction.

Officers of the police department or such officers as are assigned by the Chief Law Enforcement Officer are authorized to direct all traffic by voice, hand or other signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

10-1-303 Authority of Fire Department Officers or Maintenance or Survey Crews.

Officers of the fire department when at the scene of a fire or emergency response or when, in the course of their duties, they are protecting personnel or equipment of the fire department, may direct or assist the police in directing traffic. Members of the City's maintenance or survey crews, when acting in the course of their duties, may direct or assist the police in directing traffic.

10-1-304 Obedience to Police and Fire Department Officials.

No person shall willfully fail or refuse to comply with any lawful order of a police officer or fire department official directing traffic.

10-1-305 Loitering—Obstructing Traffic.

It is unlawful for any person to stand upon any street, sidewalk or other public way open for pedestrian travel, or otherwise occupy any portion thereof in such a manner as to annoy or molest any pedestrian thereon, or so as to obstruct or unreasonably interfere with the free passage of pedestrians, motor vehicles or other modes of travel. No person shall sit, lie or sleep upon any street, sidewalk or roadway. The provisions of this Section shall not apply to persons sitting on the curb portion of any sidewalk or street while attending or viewing any parade permitted under the provisions of this code; nor shall the provisions of this Section apply to persons sitting upon benches or other seating facilities provided for such purposes by the City.

10-1-306 Objects In the Right-Of-Way.

It is unlawful for any person to place or cause to remain any structure or object of any kind or character without a permit provided for in Division 2 or 3 of this Title either in, under or over any City street, sidewalk, roadway or right-of-way.

10-1-307 Persons Riding Bicycles or Animals.

Every person riding a bicycle or riding or driving an animal upon a highway shall be granted all of the rights of and shall be subject to all of the duties applicable to, the driver of a vehicle by this Title, except those provisions which by their very nature can have no application.

10-1-308 Persons Other Than Officials Shall Not Direct Traffic.

No person other than an officer of the police department or a person deputized by the Chief Law Enforcement Officer or person authorized by a police officer or other personnel expressly authorized by this Chapter, shall direct or attempt to direct traffic by voice, hand or other signal except that persons may operate when and as herein provided any mechanical pushbutton signal erected by order of the City Traffic Engineer for pedestrian use.

10-1-309 Public Employees to Obey Traffic Regulations.

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, or any county, city, or City, and it is unlawful for any said driver to violate any of the provisions of this Title except as otherwise permitted in this Chapter or by the Vehicle Code.

10-1-310 Exemptions to Certain Vehicles.

(a) The provisions of this Title regulating the operation, parking and standing of vehicles shall not apply to any vehicle of the police or fire departments, or other government vehicles, properly equipped to qualify as emergency vehicles, 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 specified in the Vehicle Code in response to any emergency call.

(b) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his willful disregard of the safety of others.

(c) The provisions of this Title regulating the parking or standing of vehicles shall not apply to any vehicle of a City department or public utility vehicle necessarily in use for construction or repair work, or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail.

10-1-311 Accident Report—Required.

The driver of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, ornamental lighting post, telephone pole, electric light or power pole, or resulting in damage to any ornamental shade tree, traffic-control device or other property of a like nature located in or along any street, shall within twenty-four (24) hours after such accident make a written report of such accident to the police department.

10-1-312 Accident Report—Contents.

Every such report shall state the time when, and the place where, the accident took place, the name and address of the person owning and of the person driving or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damaged in such accident.

10-1-313 Accident Report—Time Limit.

A driver involved in an accident shall not be subject to the requirements or penalties of Sections 10-1-311 and 10-1-312 if, and during the time, such driver is physically incapable of making a report, but in such event the driver shall make a report as required in Section 10-1-311 within twenty-four (24) hours after regaining ability to make such a report.

DIVISION 2. TRAFFIC REGULATION

CHAPTER 1 TRAFFIC CONTROL DEVICES

10-2-100 Installation—Authority.

The City Traffic Engineer 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 under the traffic ordinances and resolutions to make effective the provisions of said ordinances and resolutions.

10-2-101 Installation—Required When.

Whenever the Vehicle Code requires that for the effectiveness of any provisions thereof traffic-control devices be installed to give notice to the public of the application of such law, the City Traffic Engineer is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

10-2-102 Additional Devices.

The City Traffic Engineer may also place and maintain or cause to be placed and maintained such additional traffic-control devices as may be deemed necessary to regulate traffic or to guide or warn traffic, but shall make such determination only upon such principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in the traffic ordinances of this City or as may be determined by ordinance or resolution or as may be proper under standards officially in effect for the State.

10-2-103 Obedience Required.

The driver of a vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the traffic ordinances, unless otherwise directed by a police officer or other personnel authorized by the provisions of this Title, subject to the exceptions granted the driver of an authorized emergency vehicle when responding to emergency calls.

10-2-104 Installation of Traffic Signals.

The City Traffic Engineer shall recommend the locations where official traffic signals are required by resorting to field observations, traffic counts and other traffic information that may be pertinent, and the determinations therefrom shall be made in accordance with generally accepted City traffic engineering and safety standards.

10-2-105 Installation At Intersections—Required Where.

The City Traffic Engineer shall, upon direction of the Board of Directors by resolution, install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

10-2-106 Lane Markings.

The City Traffic Engineer is authorized to mark centerlines 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 centerline of the roadway, excepting State highways within the City.

10-2-107 Distinctive Roadway Markings.

The City Traffic Engineer is 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 marking or sign and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the State Department of Transportation pursuant to the provisions of the Vehicle Code.

10-2-108 Safety Zones.

The City Traffic Engineer is authorized to establish safety zones at such places as the City Traffic Engineer may deem necessary for the protection of pedestrians.

10-2-109 Removal, Relocation or Discontinuation.

The City Traffic Engineer is authorized to remove, relocate or discontinue the operation of any traffic control not specifically required by State law or this Title whenever he determines in any particular case that the conditions which warranted or required the installation no longer exist.

10-2-110 Hours of Operation.

The City Traffic Engineer shall determine the hours and days during which any traffic-control device shall be in operation or be in effect except in those cases where such hours or days are specified in this Title.

CHAPTER 2 SPEED LIMITS

10-2-200 Change In State Law Speed Limits.

The prima facie speed limit declared for each street designated in this Section is a speed limit which is either an increase from the prima facie speed limit or a decrease from the maximum speed limit otherwise applicable to such street pursuant to Chapter 7 of Division 11 of the Vehicle Code of the State (commencing at Section 22348). Any such increase or decrease has been determined upon the basis of an engineering and traffic survey. For each street upon which an increase in the prima facie speed limit (otherwise applicable) has been declared, a determination has been made that the increased declared prima facie speed limit is the most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. For each street upon which a decrease from the maximum speed limit (otherwise applicable) has been made and a lower speed limit declared as the prima facie speed limit, a determination has been made that the maximum speed limit (otherwise applicable) is more than is reasonable or safe, and that the declared prima facie speed limit is most appropriate to facilitate the orderly movement of traffic and is reasonable and safe.

STREETS AFFECTED	PRIMA FACIE SPEED LIMIT MILES PER HOUR
A	
B	
C	
D	
E	
F	
G	
(1) Grant Line Road from the Alameda County Line to 0.7 miles west of the Alameda County Line.	35
(2) Grant Line Road from 0.7 miles east of the Alameda County Line to Mountain House Parkway.	50
H	
I	
J	
K	
L	
M	
N	
O	
P	
Q	
R	
S	
T	
U	
V	
W	
X	
Y	
Z	

CHAPTER 3 TURNING MOVEMENTS

10-2-300 Placement—Multiple Lanes.

The City Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Traffic Engineer is authorized to allocate and indicate more than one (1) lane of traffic from which drivers of vehicles may make right-hand or left-hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

10-2-301 Markers—Obedience Required.

When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

10-2-302 Restricted Turn Signs.

The City Traffic Engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right turn, left turn or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

10-2-303 No-Turn Signs.

Whenever authorized signs are erected indicating that no right turn or left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

10-2-304 Prohibition of Right Turns Against Traffic Stop Signal.

The City Traffic Engineer is authorized to determine those intersections within any business or residence City at which drivers of vehicles shall not make a right turn against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey directions of any such sign.

CHAPTER 4 STOPPING, STANDING AND PARKING

10-2-400 Application of Regulations.

The provisions of this Title prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, 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.

10-2-401 More Restrictive Provisions.

The provisions of this Title 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 other regulations prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

10-2-402 Standing In Parkways Prohibited.

(a) No person shall stop, stand or park a vehicle within any parkway paralleled by curbs or any parkway designated by the City Traffic Engineer as an area for no standing, stopping or parking and posted accordingly.

(b) No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two (72) hours.

(c) In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two (72) hours any member of the police department authorized by the Chief Law Enforcement Officer may remove the vehicle from the street in the manner described in, and subject to the requirements of, the Vehicle Code.

10-2-403 Parking for Certain Purposes Prohibited.

(a) No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying such vehicle for sale as a business; or
- (2) Washing, waxing, wiping, greasing or repairing such vehicle except repairs necessitated by an emergency.

(b) No person shall park a vehicle upon a public or private street, parking lot or any public or private property for the purpose of displaying such vehicle thereon for sale, hire or rental unless the property is duly licensed and to transact that type of business at that location.

(c) To the extent not prohibited by other statutes, ordinances, rules, regulations or covenants, conditions, and restrictions, Subsection (b) of this Section shall not prohibit persons

from parking vehicles on private residential property belonging to the owner of the vehicle, or on private property, other than their own when they have obtained written permission from the property owner to do so. Said written permission must bear the date permission was granted including the name, address and telephone number of the property owner and must be displayed in or upon the vehicle in such a manner that it is easily readable from outside the vehicle.

10-2-404 Parking Parallel With Curb.

(a) Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen (18) inches of the left-hand curb, facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

(b) Every vehicle stopped or parked upon a two-way roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within eighteen (18) inches of the right-hand curb, except that motorcycles shall be parked with at least one (1) wheel or fender touching the right-hand curb. Where no curbs or barriers bound any roadway, right-hand parallel parking is required unless otherwise indicated.

(c) In the event a highway includes two (b) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

(d) The City Traffic Engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two (b) or more separate roadways and shall establish signs or markings giving notice thereof.

(e) The requirement of parallel parking shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case that vehicle may be backed up to the curb; provided, that such vehicle does not extend beyond the centerline of the street and does not block traffic.

10-2-405 Angle Parking.

(a) The City Traffic Engineer shall recommend upon what streets angle parking shall be permitted and shall mark and sign such streets when appropriately so ordered by the Board of Directors. Such angle parking shall not be permitted on any State highway or upon any other street or roadway that is not of sufficient width to permit and not interfere with the free movement of traffic.

(b) When signs or markings are in place indicating angle parking as provided in this Section, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

10-2-406 Parking Adjacent to Schools.

(a) The City Traffic Engineer is authorized to erect signs indicating no parking upon any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

10-2-407 Parking Prohibited In Alleys and on Narrow Streets.

(a) No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley.

(b) The City Traffic Engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty (30) feet.

(c) When official signs or markings prohibiting parking are erected upon narrow streets as authorized in this Section, no person shall park a vehicle upon any such street in violation of any such sign or marking.

10-2-408 Standing of Food Vehicles.

No person shall stop, stand, or park any vehicle from which foodstuffs are displayed, offered for sale or sold, upon any portion of any public street, alley or highway within this City except in compliance with all of the following:

(a) Stopping to Sell—Time Limit. Such vehicle shall stand or park only at the request of a bona fide customer or purchaser and for a period of time not exceeding ten (10) minutes at any one (1) place.

(b) Stopping to Sell—Distance. No such vehicle shall stand or park within fifteen hundred (1,500) feet of the nearest property line of any school property, park, playground or recreational facility.

(c) Stopping to Sell—Posted Speed Limit. No such vehicle shall stand or park when the posted speed limit on the public street, alley or highway is thirty-five (35) miles per hour or greater.

(d) Stopping to Sell—Position of Vehicle. No such vehicle shall stand or park or engage in the sale of foodstuffs therefrom when:

(1) Any part of the vehicle other than the side of the vehicle next to the right side of the street, alley or highway is open to prospective customers;

(2) The vehicle is not stopped, parked, or standing on the extreme right of the street, alley or highway;

(3) The prospective customer is located on or in that portion of the street, alley or highway, which is open to vehicular traffic;

(4) The prospective customer is in a standing vehicle, or sitting in or operating another vehicle;

(5) The vending vehicle is stopped, standing or parked in violation of any other provision of this code, or the Vehicle Code;

(6) The position or location of the vending vehicle interferes with the free passage of any vehicular or pedestrian traffic.

(e) Vehicles—Purpose. Such vehicle shall be used for display, offering for sale, and sale only of foodstuffs other than fresh meat, fish, poultry, fruits and vegetables.

(f) Vehicles—Weight Limit. Such vehicle at all times shall have a gross weight of less than five thousand (5,000) pounds.

(g) Vehicles—Length. Such vehicles at all times shall have an overall length not exceeding eighteen (18) feet.

(h) Vehicles—Noise Making Devices. Noise emanating from such devices or sound amplifying equipment on or in any such vehicle shall not exceed a duration of four (d)

seconds or an intensity of seventy (70) decibels. Record players, tapes, radios, or other continuous noise making devices are prohibited. The use of continuous bells, chimes, gongs, whistles, sirens or other similar noise making devices is also prohibited.

(i) Vehicles—Days/Hours of Operation. Such vehicles shall not operate on Sundays or holidays. The permitted hours for such work Monday through Saturday are as follows:

Pacific Standard Time—9:00 a.m. to 5:00 p.m.

Pacific Daylight Savings Time—9:00 a.m. to 7:00 p.m.

(j) Vehicles—License/Permits. Each individual who drives, operates or vends from a food vending vehicle shall have on his or her person a current, valid California driver's license, which he or she shall make available for inspection by law enforcement officials upon request; and each vehicle shall have a current, valid business license decal affixed to the lower right side of the windshield and a current, valid County of San Joaquin health inspection certificate posted in plain view within the vehicle.

(k) Vehicles—Operation. Each individual who drives, operates or vends from a food vending vehicle shall not allow any minors to ride in or on the vehicle while it is in operation, allow more than two (b) individuals to be in or on the vehicle while it is in operation, nor attempt to back up the vehicle to make a sale.

10-2-409 Emergency Parking Signs.

(a) Whenever the City Traffic Engineer, Chief Law Enforcement Officer or their designated representatives determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the City Traffic Engineer, Chief Law Enforcement Officer or their designated representatives, shall have power and authority to order temporary signs to be erected or posted, indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the City Traffic Engineer, Chief Law Enforcement Officer or their designated representatives shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such activity, and the person causing their placement shall cause such signs to be removed promptly thereafter.

(b) When signs authorized by the provisions of this Section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

(c) Permits may be issued for the placement of signs pursuant to this Section upon the payment of any fee established by the Council.

10-2-409.1 Display of Warning Devices When Commercial Vehicle Disabled.

(a) Every motor truck having an unladen weight of four thousand (4,000) pounds or more, and every truck tractor irrespective of weight when operated upon any street or highway during the time specified in Section 280 ("darkness") of the Vehicle Code shall be equipped with and carry at least two (b) flares or two (b) red lanterns, or two (b) warning lights or reflectors, which reflectors shall be of a type approved by the Department of California Highway Patrol.

(b) When any vehicle mentioned in Subsection (a) of this Section or any trailer or semitrailer is disabled upon streets or highways outside of any business or residence City within this City and upon which street or highway there is insufficient street lighting to reveal a vehicle at a distance of two hundred (200) feet during any time mentioned in Section 280 of the Vehicle

Code, a warning signal of the character indicated in Subsection (a) of this Section shall be immediately placed at a distance of approximately one hundred (100) feet in advance of, and one hundred (100) feet to the rear of, such disabled vehicle by the driver thereof. The continuous flashing of at least four (d) approved-type Class A-Type 1 turn signal lamps, at least two (b) toward the front end and at least two (b) toward the rear of the vehicle, shall be considered to meet the requirements of this Section until the devices mentioned in this Section can be placed in the required locations. The warning signals mentioned in this Section shall be displayed continuously during the time mentioned in Section 280, while such vehicles remain disabled upon such street or highway.

10-2-409.2 Parking on Private Property Without Permission or in an Unauthorized Manner.

(a) No person shall stop, park or leave standing any vehicle on private property or business premises without the express or implied consent of the owner, authorized agent of the owner, person in lawful possession of such premises or property, or other person in charge thereof.

(b) No person shall stop, park or leave standing any vehicle on private property or business premises at a time, or at a place thereon, or for a period of time, or in any manner otherwise, which is unauthorized by the owner, authorized agent of the owner, person in lawful possession of such premises or property, or other person in charge thereof.

(c) The following acts of stopping, parking or leaving standing a vehicle shall be included within those which shall be deemed in violation of Subsections (a) or (b) of this Section, whichever is applicable, but other acts not mentioned may also violate either subdivision. (The use of the term “parking” in the following examples shall be deemed also to include collectively acts of “stopping” and “leaving standing”):

(1) Parking on any vacant lot or unimproved property unless affirmatively so permitted by posted sign(s) or by the authorized person in charge;

(2) Parking off-street on any improved private property not held open to use by the general public, unless such parking is by invitation of the occupant(s) or for bona fide business purposes upon the property;

(3) Parking in any off-street parking area or lot or facility of an apartment building, hotel or business enterprise which is indicated by sign(s) or other marking(s) to be reserved for use by tenants, residents or employees or others not including the person so parking;

(4) Parking in the off-street parking area or lot or facility or an individual parking stall or any area which is indicated by a sign or other marking(s) to be reserved for the exclusive use of a person or persons other than the person so parking;

(5) Parking in a shopping center or business parking area or facility for a purpose other than doing business with one (1) or more of the stores or offices at the site, or for a purpose not related to such business operation, or remaining parked for longer than reasonably appropriate to do such business or acts related to such business operations;

(6) Utilizing a space or stall which is indicated by sign(s) or other marking(s) to be reserved for use in connection with a particular store, office or business, and parking in the same for a purpose other than that for which it is so reserved;

(7) Parking in any stall or space which is indicated by sign(s), blue-painted curbing or other marking(s), to be designated for the exclusive use by physically handicapped persons, of a

vehicle not displaying one (1) of the distinguishing license plates or placards issued pursuant to California Vehicle Code Section 22511.5 or Section 9105;

(8) Parking at any spot where such parking is prohibited, as indicated by sign(s), markings, striping, lettering on pavement, red-painted curbing or by any other means, including (but not limited to) areas and locations within areas reserved for or designated as traffic lanes for movement of vehicles or pedestrians, clear areas at or near building entrances or exits, fire lanes, sidewalks or pedestrian or bicycle lanes, clear areas at or near ramps or other facilities used by or intended for use of handicapped persons, unimproved areas, dangerous areas, areas to be utilized by larger vehicles such as trucks, buses, emergency vehicles or other service vehicles, or areas designated for any other business or special use;

(9) Except when necessary to avoid conflict with other traffic or by reasons of vehicle disablement or bona fide emergency, parking, standing or waiting at a location within a traffic lane or otherwise, which substantially interferes with the normal movement of vehicular or pedestrian traffic at such location;

(10) Parking in violation of the restrictions stated on any other sign or marking(s) not mentioned in the foregoing divisions of this subdivision, which has or have been placed on private property or business premises by the owner, authorized agent of the owner, person in lawful possession of such premises or property, or other person in charge thereof;

(11) Failure or refusal to remove or move a parked or standing or stopped vehicle from private property or business premises, in compliance with a direction to do so by the owner, person in lawful possession of such premises or property, or other person in charge thereof; or violation of a direction by such person not to park, stop or stand a vehicle upon, or at a particular location upon, such premises or property;

(12) Parking on a private street in violation of a prohibition or restriction stated on any sign or marking(s) or notification giving notice thereof, placed or given by or pursuant to authority of the association or person or other entity owning or in charge of such private street.

(d) Nothing in this Section affects or limits the rights or remedies any person may have pursuant to any other provision of law, such as Section 22658 of the California Vehicle Code, to remove or cause the removal of a vehicle parking upon private property.

(e) It shall be the policy of the City to encourage the posting of signs on shopping center parking facilities similar to the signs mentioned in Section 21107.8 of the California Vehicle Code, to give notice to the public that the parking regulations applicable on the private parking facility are subject to official enforcement by citations and fines and otherwise. This does not, however, authorize signs posted in nonconformance with sign control regulations; and the posting of such signs shall not be deemed a requirement or condition precedent to enforcement of this Section.

(f) Sections 41102 et seq. of the California Vehicle Code are referred to and incorporated in this Section by this reference and shall be applicable in connection with any prosecution for violation of this Section, in the same manner and to the same extent as said sections are applicable to prosecutions for parking violations occurring on the public streets.

10-2-409.3 Locking Ignition Required.

No person shall park and leave a vehicle on a public street, alley or public parking facility unless the ignition has been locked; provided, however, that if the driver or passenger remains inside the vehicle after and while it is parked, or if the vehicle is in the custody of an attendant, the ignition need not be locked.

10-2-409.4 Impounding of Vehicle Illegally Parked.

Whenever a vehicle is illegally parked on a street or highway in violation of any provision of this Title, any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations of the City may cause such vehicle to be impounded, driven or towed away and stored. Any reasonable costs resulting from such impounding, towing or storage shall be charged to the owner of the vehicle and to the driver who committed the parking violation.

CHAPTER 5 PARKING

10-2-500 Parking Prohibited or Time Limited on Certain Streets.

When authorized signs are in place giving notice thereof, specifying certain parking prohibitions or time limits, the prohibitions or time limits to be established by resolution, or by the City Traffic Engineer pursuant to authority vested by this Chapter, or by the Vehicle Code, no person shall stop, stand, park or leave standing any vehicle in violation of any such prohibition or time limit so specified in the signs.

10-2-501 Parking Space Markings—Installation.

The City Traffic Engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

10-2-502 Parking Space Markings—Parking Within Required.

Each vehicle placed in any parking space shall be parked within the lines and markings so established by the City Traffic Engineer, and no person shall park or leave standing any vehicle so that it extends across any such line or markings or is in such position that it is not entirely within the space designated by such lines or markings.

10-2-503 Stricter Parking Regulations Within City Council-Established Limited Parking Zones.

Pursuant to authority vested by other provisions of this Chapter, or by the Vehicle Code, the City Traffic Engineer is authorized to prescribe shorter time limits than those specified by resolution of the City Council, or to prescribe parking prohibitions, within a particular limited parking zone so specified by the City Council; provided, that the stricter parking limitations or prohibitions are properly indicated by appropriate signs or markings in accordance with this Title or other provisions of law.

10-2-504 Parking and Driving on City Property.

(a) The City Manager shall from time to time examine and survey all City-owned parking lots, parking areas and other properties, and all property under the City's direct control, with respect to vehicle driving and parking uses, and the need for regulations applicable thereto, in order to assure proper and appropriate use of such public properties and to prevent interference with the orderly and efficient conduct of the City's business.

(b) Based upon the recommendation of the City Manager, the City Council may promulgate such conditions, rules and regulations governing driving, stopping, parking or

leaving standing of vehicles on the particular properties involved, as shall, in its judgment, be necessary and appropriate to advance the public purposes mentioned in Subsection (a).

10-2-505 Enforcement of Parking and Driving Regulations Applicable on City Property.

(a) Pursuant to Vehicle Code Section 21113, a written statement or other graphic depiction of all special conditions, rules and regulations adopted per Section 10-2-504 shall, at all times while the same remain effective, be kept on file and available at the office of the City Clerk, for examination by all interested persons.

(b) The City Manager shall erect, place and maintain appropriate signs and markings at each City-owned or City-controlled parking lot, parking area and other property, giving notice of all special conditions, rules and regulations applicable thereto, adopted per Section 10-2-504 and imposed under Vehicle Code Section 21113.

(c) Any vehicle operation, parking, stopping or leaving standing not complying with the special conditions, rules and regulations, will constitute a violation of Vehicle Code Section 21113, except that Subsection (a) of Vehicle Code Section 22507.8 shall apply with respect to unauthorized parking in stalls or spaces designated for physically handicapped persons.

10-2-506 Parking or Driving Regulations Applicable on Property of Schools and Other Public Agencies.

Conditions and regulations concerning parking or driving on property and grounds of schools or other public agencies are imposed by the appropriate governing boards or officers and are enforced pursuant to and under the conditions of Vehicle Code Section 21113.

10-2-507 Installation, Design and Spacing of Signs.

The City Traffic Engineer is authorized and directed to cause signs regulating or prohibiting parking to be installed in the zones now or hereafter provided by resolution of the City Council or at such places as the City Traffic Engineer is authorized to regulate parking, standing or stopping pursuant to other provisions of this Chapter or of law. Signs giving notice of a parking time limitation shall be the size and color specified in the Uniform Manual of Traffic Control Devices or the Vehicle Code specifying the particular parking time limitation applicable. Such signs shall be spaced at a maximum interval of two hundred (200) feet, and provided that there shall be a minimum of four (4) signs in one (1) block on each side of the street.

10-2-508 Curb Markings to Indicate No Stopping and Parking Regulations.

(a) The City Traffic Engineer is authorized, subject to the provisions and limitations of this Title, to place, and when required in this Title shall place, the following curb markings to indicate parking or standing regulations, and the curb markings shall have the meanings as set forth in this Section:

(1) Red means no stopping or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone and that United States Postal Service vehicles may stop in a red zone for the purpose of delivering mail to boxes adjacent to the red zone.

(2) Yellow means no stopping, standing or parking at any time between 7 a.m. and 6 p.m. of any day for any purpose other than loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three (3) minutes, nor the loading or unloading of materials more than twenty (20) minutes.

(3) White means no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three (3) minutes and such restrictions shall apply between 7 a.m. and 6 p.m. of any day and except as follows:

(i) When such zone is in front of a hotel or in front of a mailbox the restrictions shall apply at all times.

(ii) When such zone is in front of a theater or restaurant the restrictions shall apply at all times except when such theater or restaurant is closed.

(iii) Taxicabs shall comply with this subdivision unless authorized to maintain a taxicab stand adjacent to the white curb marking, and provided the area for the taxicab stand is sign-posted at either end indicating "TAXICAB ZONE ONLY."

(4) Green means no standing or parking for longer than twenty (20) minutes at any time between 7 a.m. and 6 p.m. of any day.

(5) Blue means parking limited exclusively to the vehicles of physically handicapped persons.

(b) When the City Traffic Engineer, as authorized under this Title, has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the parking, standing or stopping regulations so indicated.

CHAPTER 6 STOP INTERSECTIONS, YIELD RIGHT-OF-WAY, ONE WAY STREETS AND ALLEYS, AND PEDESTRIAN CROSSINGS

10-2-600 Erection of Stop Signs.

Whenever any resolution of this City designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one (1) or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the City Traffic Engineer shall erect and maintain stop signs as follows:

A stop sign shall be erected on each and every street intersecting such through Street or portion thereof so designated and at those entrances or other intersections where a stop is required and at any railroad grade crossing so designated. Every such sign shall conform with and shall be placed as provided in Section 21355 of the Vehicle Code.

10-2-601 Stop At Through Street or Stop Sign.

(a) Those streets and parts of street set forth by resolution of the City are declared to be through streets for the purposes of this Section. When proper signs are in place giving notice thereof, all vehicular traffic shall be required to stop before entering any intersection of a through street.

(b) The provisions of this Section shall also apply at one (1) or more entrances to the intersections as such entrances and intersections are described by resolution of the City. The provisions of this Section shall also apply at those highways and railway crossings provided for by resolution of the City.

10-2-602 Placement.

The City Traffic Engineer is authorized to determine those intersections at which drivers of vehicles shall yield the right-of-way to opposing traffic. The City Traffic Engineer shall place and maintain "YIELD RIGHT-OF-WAY" signs at the entrance of streets previously determined by him, and the signs shall comply with the specifications of the Vehicle Code of the State.

10-2-603 Signs.

Whenever any resolution of the City designates any one-way street or alley, the City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

10-2-604 Crosswalks—Establishment—Signs.

(a) The City Traffic Engineer is authorized to establish and maintain crosswalks and to designate them by appropriate devices or painted signs upon the surface of the roadway.

(b) The City Traffic Engineer may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross except in the crosswalk so indicated.

10-2-605 Crosswalks—Use Required When.

No pedestrian shall cross a roadway other than by a crosswalk in any business district.

CHAPTER 7 TRUCK ROUTES AND PARKING RESTRICTIONS

10-2-700 Enactment.

This Chapter is enacted pursuant to the California Vehicle Code, Division 11, Chapters 9 and 10, commencing with Section 22500 and Division 15, Chapter 5, Article 4, commencing with Section 35700.

10-2-701 Truck Routes Designated.

The following streets and portions of streets are designated and established as commercial vehicle truck routes:

[Intentionally left blank.]

10-2-702 Prohibition Off Truck Routes.

When truck routes are established pursuant to this Chapter and designated by appropriate signs, the operator of any commercial vehicle with a maximum gross weight limit of ten thousand (10,000) pounds (five (5) tons) or more shall drive said vehicle only on such routes and none other except for the following:

(a) Commercial vehicles coming from a truck route having ingress and egress by direct route to and from a restricted street when necessary for the purpose of providing a direct service requiring the utilization of such vehicles or making pickups and deliveries of goods, wares and merchandise from or to any building or structure located on the restricted street or from 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 the restricted street for which a building permit has previously been obtained;

(b) Any vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility;

(c) Vehicles as may be reasonably necessary for:

(1) The purpose of transporting farm or ranch supplies, produce, or animals to and from farms situated along a street otherwise forbidden to be used by such vehicles.

(2) The purpose of transporting a trailer used for recreation or residential purposes to and from locations along a street otherwise forbidden to be used by such vehicles.

(d) Owner/operator residing in the City and having a resident exemption permit as detailed in Section 10-2-703.

10-2-703 Resident Exemption Permits.

The City Manager or the City Manager's delegee may issue exemption permits to commercial vehicle owners/operators residing within the City for the purpose of traveling on restricted streets to and from their residence, if the following conditions are met:

(a) The permit shall be limited to one (1) commercial vehicle truck and trailer or tractor and trailer combination per legal lot;

(b) The gross weight of the commercial vehicle shall be less than ten thousand (10,000) pounds;

(c) The vehicle shall be parked on private property within a totally enclosed garage or within the side or rear yard of the residence in such a manner so as to minimize visibility from the street; to the extent not prohibited by other statutes, ordinances, rules, regulations or covenants, conditions and restrictions.

(d) The applicant shall warrant that there will be no continuous operation of commercial vehicle engines or accessory generators or compressors prior to 6 a.m. or after 9 p.m. "Continuous operation" shall be defined as operating in excess of fifteen (15) minutes cumulatively in any one (1) period between 9 p.m. and 6 a.m. Violation of this Section shall be grounds for revocation of this permit at the discretion of the police department;

(e) The granting of such permit will not result in damage to streets or cause a pedestrian or traffic hazard or adversely affect adjacent properties;

(f) A permit fee as established by the City is paid.

10-2-704 Vehicle Parking Prohibition.

In order to maintain the residential neighborhood atmosphere within the community and in the interest of public safety and welfare, commercial vehicles having a manufacturer's gross vehicle weight, per California Vehicle Code, Section 350, rating of ten thousand (10,000) pounds (five (5) tons) or more, are prohibited from parking on any street or portion thereof not designated as a truck route, except with respect to making pickups or deliveries from or to any building or used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure located off the designated truck route. In addition, commercial vehicles having a gross vehicle rating of ten thousand (10,000) pounds or more are prohibited from parking on private property unless otherwise permitted by use permit or design review approval per the zoning regulations. No commercial vehicle of less than ten thousand (10,000) pounds gross vehicle weight shall park on any street other than in commercial or industrial zoned areas, or on any authorized truck route.

10-2-705 Trailer Parking Prohibition.

A person shall not park any trailer or semi-trailer upon any highway, street, alley, public way or public place except on designated truck routes and then only if the trailer or semi-trailer is attached to a vehicle capable of moving the trailer or semi-trailer in a normal manner upon the street. This Section shall not apply to trailers or semi-trailers in the process of being loaded or unloaded, nor shall it apply to any trailer or semi-trailer which is disabled in such a manner and

to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer or semi-trailer on that portion of the highway, street, alley, public way or public place ordinarily used for vehicular parking. A disabled trailer or semi-trailer shall not be temporarily parked along a public right-of-way for more than twenty-four (24) hours. A trailer used for recreational purposes may be parked on a public street for up to twenty-four (24) hours to allow for cleaning, loading and unloading.

CHAPTER 8 DRIVING RULES

10-2-800 Driving Through Funeral Processions.

No driver of a vehicle shall drive between vehicles comprising a funeral procession while they are in motion and when the vehicles in such procession are conspicuously so designated. This Section shall not apply at intersections where traffic is controlled by official traffic signals or police officers.

10-2-801 Clinging to Moving Vehicles.

No person riding upon any bicycle, motorcycle, coaster, roller skates, skateboard or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

10-2-802 Driving Vehicles on Sidewalks.

(a) Unless otherwise expressly allowed by another provision of this Title or other applicable law, no person shall drive a vehicle (including any bicycle or unicycle) within any sidewalk area or parkway except at a permanent or temporary driveway.

(b) Notwithstanding the provisions of this Section, bicycles and unicycles may be ridden along portions or segments of sidewalks wherever expressly permitted by resolution, but not until such sidewalk areas have been appropriately designated by the engineer with signs or markings to give due notice to the pedestrian and cycling public.

(c) No person shall ride, operate or use a bicycle or unicycle on a sidewalk or bikeway in a willful or wanton disregard for the safety of persons or property.

10-2-803 New Pavement.

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street when a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed.

10-2-804 Driving on Rims of Wheels.

No person shall drive, operate, tow or otherwise move any motor vehicle, equipped with rims to accommodate rubber tires, over or across any street with tires removed or deflated so that the metal flanges or rims are in contact with the pavement, except to the nearest edge of the pavement from the point any such condition occurs through accident.

10-2-805 Restricted Access.

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

10-2-806 Restrictions on Use of Freeways.

No person shall drive or operate any bicycle, motor-driven cycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by State law, nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.

10-2-807 Excessive Acceleration.

No person shall operate a vehicle on a street or alley in such a manner as to facilitate its speed by means of leaving rear-wheel frictional rubber marks, caused by rapid acceleration.

CHAPTER 9 FINES AND PENALTIES

10-2-900 Fines and Penalties.

Each violation of this Division is subject to a fine or penalty not to exceed one hundred dollars (\$100.00) unless otherwise provided in the Vehicle Code.

DIVISION 3. ENCROACHMENTS

CHAPTER 1 EXCAVATIONS

10-3-100 Permit Required for Excavating.

No person shall dig holes, trenches, or ditches or make openings or excavations of any kind for any purpose on any street, highway, road, or other public place except upon application to, and permit granted by, the Director, who shall have authority to prescribe how much work shall be done, how the holes, trenches, ditches, and openings shall be filled or backfilled, when the work may be commenced, and when finished. Every permit granted pursuant to this Section shall be made on the condition that if the grantee fails, refuses, or neglects, within a reasonable time after written demand of the Director, to complete the work or to restore the street, highway, road, or other public place to a condition equal to or better than its condition before the opening or excavation was made and to maintain the same in that condition, the Director may do the work and furnish the materials necessary therefore, and all sums reasonably expended for these purposes shall be repaid to the City by the grantee.

10-3-101 Bond or Cash Deposit.

No application shall be granted until the applicant has filed with the Director a bond or cash deposit in a sum satisfactory to the Director guaranteeing that the street, highway, road, or other public place shall be restored to a condition equal to or better than its condition before the opening was made and shall be maintained in that condition. An applicant for these permits may file one bond to cover all work during a year, if desired, in an amount that the Director shall deem necessary to save the City harmless from all damage.

10-3-102 Liability of City.

Nothing in this Chapter shall be construed to enlarge the liability of the City for any excavation or work or for damages to the public or otherwise resulting therefrom, and every permit and bond issued under this Chapter shall provide that the City and its officers and

employees shall be held harmless on account of any damage or injury to the public or otherwise resulting from the excavation or other work. As a condition of granting any permit under this Chapter the City may require the applicant to provide and maintain insurance evidencing coverage for bodily injury or property damage or both and file a certificate of insurance to that effect. Said coverage will be primary to any coverage which may otherwise be provided by City.

CHAPTER 2 OBSTRUCTION OF HIGHWAY DRAINAGE

10-3-200 Definition; Drainage Facility.

"Drainage facility" means any structure or feature, either natural or artificial, which causes or allows water to flow intermittently or continuously from one place to another and which lies partly or wholly along, within, or across any city street or affects any city street.

10-3-201 Highway Drainage.

No person shall do any of the following acts:

- (a) Drain irrigation water, or permit irrigation water to be drained, from his lands onto any city street by any means.
- (b) Obstruct any natural watercourse so as to:
 - (1) Prevent, impede, or restrict the natural flow of waters from any city street into and through the watercourse, unless other adequate and proper drainage is provided.
 - (2) Cause waters to be impounded within any city street.
 - (3) Cause interference with, or damage or hazard to, public travel.
- (c) Store or distribute water for any purpose so as to permit it to overflow onto, to saturate by seepage, or to obstruct any city street.

10-3-202 Acts Requiring Permit.

No person without a permit shall do or permit the following:

- (a) Maintain, or if already existing, continue to maintain any obstruction of any drainage facility lying partly or wholly within, across, under, or above any county highway.
- (b) Permit to be deposited in any drainage facility in any county highway any material or substance, including dirt, soil, weeds, trash, rocks, or any other substance which would tend to impede the drainage of water.
- (c) Alter, construct, obstruct, constrict, or enlarge any drainage facility so as to adversely affect any county highway by increasing or decreasing the amount, extent, nature, or direction of flow of water along any drainage facility.
- (d) Decrease or increase, enlarge or constrict, heighten or deepen, or in any other fashion change the drainage facilities on private property or public property adjacent to any drainage facility along or across any county highway so as to prevent the natural or ordinary drainage of waters along the highway or so as to place an extraordinary burden on the capacity of any drainage facilities along any county highway.

10-3-203 Permits for Driveways.

It is unlawful to build or thereafter maintain any private or public driveway of ingress to or egress from land adjacent to a city street without first having secured a permit from the Director. In no case shall a permit for construction permit the drainage facility along any county highway to be obstructed so as to impede the proper flow of drainage waters.

10-3-204 Application for Permit.

Drainage encroachment permits are required for the erection or construction of any drainage facility or for alterations or moving of any existing drainage facilities. They shall be applied for and secured from the Office of the Director or at other offices that may be designated by the Director for these purposes where employees or representatives of the Director may be authorized to issue these permits.

10-3-205 Director: Powers and Duties.

For purposes of this Chapter, the Director shall be the City Manager or their designee.

The Director shall have the following powers and duties in administering and enforcing this Chapter:

- (a) The issuance of permits.
- (b) Enforcement of related state laws as well as this Chapter.
- (c) Keeping of accurate records.
- (d) The preparation and adoption of the forms, rules, and regulations that may be reasonably necessary for the proper enforcement of this Chapter, including requirements for the submission by applicants for permits of plans and specifications, informal or formal, that may be deemed necessary for the proper location and construction of the various types of drainage facilities.
- (e) The inspection of construction and operation of drainage facilities. For this purpose the Director or his authorized representative shall have the power of a police officer, including the right of entry on private property, the right to stop construction operations, and the right to clear out or open up the stoppage of any drainage facility if the stoppage is deemed contrary to this Chapter and does or may endanger public health, safety, and the general welfare.
- (f) Other powers and duties, related to the foregoing, that may be reasonably necessary for the proper administration and enforcement of the provisions of this Chapter.

10-3-206 Notice to Remove Encroachment.

If any encroachment exists in, under, or over any city street, road, or land, the Director may require the removal of the encroachment in the manner provided hereinafter.

Notice shall be given to the owner, occupant, or person in possession of the encroachment or to any other person causing or suffering the encroachment to exist by serving on him a notice containing a demand for the immediate removal of the encroachment from within the highway. The notice shall describe the character and location of the encroachment with reasonable certainty. In lieu of service on the person, service of the notice may also be made by registered mail or by posting, for a period of five (5) days, a copy of the notice on the encroachment described in the notice in a manner that will not interfere with the use of the highway. In case the owner, occupant or person in possession is not present in the City, notice may be given to his agent in lieu of service by mailing or posting.

10-3-207 Removal of Encroachment by Director.

The Director may immediately remove from any city street any encroachment which:

- (a) Is not removed or the removal of which is not commenced and thereafter diligently prosecuted within five (5) days after the service of the notice.
- (b) Obstructs or prevents the use of the highway by the public.
- (c) Consists of refuse.

(d) Is an advertising sign of any description unless the advertisement is a notice posted as required by law.

10-3-208 Recovery of Costs.

The Director may remove any encroachment on the failure of the owner to comply with the notice of demand of the Director under the foregoing section shall have an action to recover the expenses of the removal, costs, and expenses of suit and, in addition, the sum of ten dollars (\$10.00) for each day the encroachment remains after the expiration of five (5) days from the service of the demand.

10-3-209 Abatement Action: Recovery of Penalty.

If the owner, occupant, or person in possession of the encroachment or person causing or suffering the encroachment to exist, or the agent of any of them, disputes or denies the existence of the encroachment or refuses to remove or permit the removal of the encroachment, the Director, in the name of the City, may commence, in any court of competent jurisdiction, an action to abate the encroachment as a public nuisance. If judgment is recovered by the Director, he may, in addition to having the encroachment adjudged a nuisance and abated, recover ten dollars (\$10.00) for each day the encroachment remains after the service of the notice in the manner provided in the foregoing sections and may also recover its costs and expenses incurred in the action. This remedy is cumulative and does not exclude punishment for the violation of this Chapter as otherwise provided in this Chapter.

10-3-210 Disposition of Recovered Money.

All money recovered under the provisions of this Chapter shall be paid into the Road Fund which is available to the Director for highway purposes.

10-3-211 Procedures Not Exclusive.

Procedure provided in this Chapter is not exclusive and shall not prohibit the Director or other city officers and departments from exercising any other remedy provided by law to prevent damage to or protect any City street or to collect the damages therefor.

10-3-212 Violation: Penalties.

Any person violating any provision of this Chapter shall be punished by a fine of not more than three hundred dollars (\$300) or by imprisonment for not more than three (3) months or by both. In case of violations appropriate proceedings may be taken for the abatement, removal, and restraint of any actions taken in violation of these provisions.

10-3-213 Liability of City.

This Chapter shall not be construed to impose on the City any liability or responsibility for damage resulting from drainage obstruction, nor shall the City or any city official or employee be held to assume any such liability or responsibility by reason of any inspection authorized under this Chapter, by reason of any failure to make the inspection, or by the granting or denial of any permit.

Every permit issued under this Chapter shall provide that the City and its officers and employees shall be held harmless on account of any damage of injury to the public or otherwise resulting from any encroachment or obstruction.

As a condition of granting any permit under this Chapter the City may require the applicant to provide and maintain insurance evidencing coverage for bodily injury or property damage or both and file a certificate of insurance to that effect. Said coverage will be primary to any coverage which may otherwise be provided by City.

CHAPTER 3 STREET OPENING AND PAVEMENT RESTORATION REGULATIONS

10-3-300 Excavation.

Any trench cuts within the street right-of-way to access or install a utility line or any related facility in excess of four (4) square feet or four (4) feet long, whichever is smaller, shall be considered an excavation and requires an excavation permit, which will be issued as part of an encroachment permit.

10-3-301 Excavator.

The applicant/permittee to whom an encroachment permit is issued for the purposes of excavation may be referred to, for purposes of this Chapter, as the excavator for the project.

10-3-302 Excavation Permit.

The Encroachment Permit that is issued for any work within the street right-of-way that meets the definition of an excavation as described in Section 10-3-100, shall be referred to as an excavation permit for purposes of this Chapter.

10-3-303 Longitudinal Cut Fee.

All excavations as defined above are subject to the longitudinal cut fee. The fee shall be collected as part of the encroachment permit fee for the project.

10-3-304 Prohibition Period.

(a) Newly constructed or resurfaced streets shall be termed prohibition streets within this Chapter. Permission to excavate in newly constructed or resurfaced streets will not be granted for five (5) years after the completion of street overlays. An overlay consists of a one-half (½) inch or thicker layer of asphalt. For those streets with chip seal, slurry seal coatings, or micro paving with less than one-half (½) inch of new pavement, the prohibition period shall be for three (c) years. Utilities shall plan well enough in advance to determine alternate methods of making necessary repairs to avoid excavating in newly resurfaced streets. Exceptions to the above policy are as follows:

- (1) Emergencies that endanger life or property.
 - (2) Interruption of essential utility service.
 - (3) Work that is mandated by city, State or Federal legislation.
 - (4) Service for buildings where no other reasonable means of providing service exists.
 - (5) Other situations deemed by the Public Works Director to be in the best interest of the general public.
- (b) To excavate in a prohibition street, a waiver must be obtained.
- (1) To request a waiver, the applicant must submit a written request to the City. The request must include:
- (i) Location of the excavation.

- (ii) Description of the work to be performed.
- (iii) Why the work was not performed before the street was paved.
- (iv) Why the work cannot be deferred until after the prohibition period.
- (v) Why the work cannot be performed at another location.
- (vi) Why it is justified to excavate a prohibition street.
- (2) Any excavation in the prohibition streets will be repaired with full lane paving on the street as follows: (Refer to Section 10-3-308.)
 - (i) Overlaid or reconstructed streets: All lanes that are affected shall be ground down one and one-half (1½) inches and repaved with one and one-half (1½) inches of asphalt concrete.
 - (ii) Slurry sealed, chip sealed, or microsurfaced streets: All lanes that are affected shall be resurfaced per Section 10-3-308.
 - (iii) A minimum of two (2) feet on either side of trench shall be resurfaced if the excavation is a lateral cut. For longitudinal trenches, the entire length plus two (2) feet on either end shall be resurfaced.
 - (iv) Exception: Full lane width restoration shall not be required if the work is not considered an excavation as defined in Section 10-3-300.

10-3-305 Permits.

Any and all construction work within the street right-of-way shall be done by obtaining an encroachment permit. Anyone doing excavation work within the City street right-of-way shall obtain an encroachment permit for the purposes of excavation in addition to any other permits required. This also applies to all City departments.

- (a) The permit application may be obtained from the City.
- (b) Except in an emergency, excavation permits shall be taken out in advance of excavation work. An emergency is considered to exist only when life or property is endangered or when an essential utility service is or may be interrupted during weekends, holidays, or between 5 p.m. and 8 a.m. of normal working days.
- (c) The excavator shall notify the City and apply for an excavation permit for “emergency work” within four (d) hours after City Hall opens.
- (d) As a condition of the permit to excavate, the applicant shall have been provided an inquiry identification number by a regional notification center (Underground Service Alert, USA) pursuant to Section 4216, California Government Code.
- (e) Prior to applying for an excavation permit, the excavator must register with the City. The owner or the contractor performing the work may apply for the permit. The owner of the facility shall determine who applies for the excavation permit. However, if the applicant is not the owner of the facility to be excavated, the applicant must provide documentation that the applicant is authorized to act on behalf of the owner.
 - (1) The following must be provided to become registered to get an excavation permit:
 - (i) A cash deposit equal to three percent (3%) of the project cost with a minimum of one thousand dollars (\$1000) and a maximum of twenty-five thousand dollars (\$25,000). Companies working under a franchise agreement with the City are not required to post the cash deposit until they have violated the City standards or permit requirements.
 - (ii) A current business license.
 - (iii) Current evidence of insurance.
 - (iv) Twenty-four-hour phone number for emergencies.

(v) The name, telephone number, and mailing address (fax number, pager, and e-mail address if available) of the person who will receive all official correspondence from the City.

(2) If an account is past due or not in good standing, a permit cannot be issued until the account is brought into good standing. The account is past due if the fines are not paid and are deducted from the deposit. To bring the account to good standing, all fees and fines must be paid.

(f) If an excavator damages other facilities during their excavation work:

(1) They do not need another excavation permit if no additional excavation is required to repair the damaged facility. In this case, the original permittee shall maintain the site and restore the pavement.

(2) They need an additional excavation permit if additional excavation and trenches are needed to repair the damaged facility.

(g) All applications shall include a plan indicating the following:

(1) Name of the street to be excavated and the nearest cross streets.

(2) Distance from the face of the curb.

(3) Distance from the intersection.

(4) The size of the excavation (length and width).

(5) The location of any aboveground facilities to be installed, showing:

(i) Distance from curb and any street facilities/furniture.

(ii) Purpose of the facility.

(iii) Size of the facility.

(iv) Location of doors and door swing.

(6) The location of any underground facilities to be installed, showing:

(i) Conduits vaults, maintenance holes, pipes, etc.

(ii) Structural detail and additional information for installation of the structures such as vaults and maintenance holes.

(iii) The construction method of the structure to be installed.

(iv) Construction detail, locations, size, design criteria and the purpose of the facility.

(7) Cross-section of a typical trench indicating:

(i) The approximate depth of the facility to be installed.

(ii) Trench backfill depth, compaction and layer depths.

(iii) Pavement section detail (type and depths).

(iv) Plans, structural details, and trench cross-section must be signed and stamped by a licensed Civil Engineer, when legally required.

(8) The plan may show the approximate location of the excavation provided that on an "as-built" plan, the exact location of the excavation is shown. This shall be submitted prior to the permit being finalized and filed.

(h) Pre-construction meeting:

(1) A pre-construction meeting shall be held for all projects that are scheduled to take longer than fifteen (15) working days to complete.

(2) The owner, contractor, any other agency that is involved, and the City shall attend this meeting.

(3) There will be a fine for projects that are supposed to be completed within fifteen (15) days, and are not completed within the allowed time, if a preconstruction meeting was not held.

(4) A traffic control plan shall be provided with the submittal of the application, and approved prior to the pre-construction meeting.

(i) Permit duration shall be indicated on the permit:

(1) All permits shall include estimated start and completion dates. A permit is valid from the construction start date specified on the approved permit until the specified completion date.

(2) Excavation permits are not valid if other required permits are not obtained or required notifications are not given.

(3) No disruption of traffic is allowed after 3:00 p.m. and before 9:00 a.m. unless specifically approved for these hours.

(4) Some permits may be valid on specific dates. They may be approved with special conditions specifying the dates:

(i) When work shall not be done.

(ii) When work must be completed.

(iii) Before which work shall not start.

(5) Permits expire and become void, unless otherwise amended:

(i) Thirty (30) days after the start date, if no work has begun.

(ii) If the work is not diligently proceeding and there are long delays after the work has started.

(iii) When the excavation, including the trench restoration, is not completed within the duration specified on the permit or on the date specified on the permit as the expiration date.

(6) The work is determined to be proceeding diligently if:

(i) Once a project begins, work continues on a daily basis, except for weekends, holidays, inclement weather, labor disputes, or any emergency.

(ii) The permittee ensures that all necessary materials and supplies are on hand and ready for use so as not to delay the excavation and the prompt restoration of the public right-of-way.

(j) A valid permit may be extended by requesting an extension prior to the expiration date by:

(1) Specifying the dates that need to be changed.

(2) Explaining why an extension is needed.

(k) All excavation permit fees are due at the time the permit application is submitted.

(1) Checks should be made out to the City of Mountain House. The check shall include:

(i) The permit number.

(ii) The type of fees being paid (administration , inspection, extension, reapplication, etc.).

(2) All fees, fines and penalties not collected with the application will be billed by the City and shall be paid within thirty (30) days. If they are not paid within thirty (30) days, then these fees, fines and penalties will be deducted from the deposit. Utility companies working under a franchise agreement have ninety (90) days to pay. If a contractor working for a utility company does not pay, the owner/utility company will be responsible to pay these fees, fines, and/or penalties.

(3) If a violation occurs and the fines are deducted from the deposit, no other application will be processed until the deposit has been put in place with the City and all

conditions are met. For companies without a deposit, if the fines are not paid on time, no other permit will be issued.

(l) If an application has been withdrawn or an approved permit is cancelled prior to the start of work:

- (1) Inspection and trench cut restoration fees will be refunded.
- (2) To request a refund, a written request must be submitted to the City Manager.
- (3) The request shall include:
 - (i) The reason for cancellation or withdrawal.
 - (ii) The application number.
- (m) By accepting an excavation permit, the permittee and the owner of the facility(ies)

for which the permit has been issued agree:

- (1) To follow all rules, regulations, special conditions, and code requirements.
- (2) To assure that their employees, contractors, and subcontractors comply with all rules, regulations, permit conditions and code requirements.
- (3) To indemnify the City.
- (n) The excavation permit shall be available during work periods at the excavation site, until the project is completed and signed off by the City. The permit shall be shown to City employees on request.
- (o) The City and various utility companies shall coordinate their Capital Improvement Programs.

The information about any planned work in the street right-of-way shall be shared at the earliest possible time.

Various utility owners are encouraged to coordinate their excavation of the streets so that all work is done simultaneously and that the street is not excavated frequently within the same year.

(p) The excavator shall provide public notifications when excavating in the public right-of-way.

(1) Provide 11" × 17" posters with one-inch minimum letters at beginning and end of the project and every three hundred (300) feet in between. Notes must contain:

- (i) The name, address, and telephone number of the owner and the permittee.
- (ii) The start and completion dates of the project.
- (2) For major projects lasting fifteen (15) working days or longer, the excavator shall:
 - (i) Mail notices to or notify, after the permit has been issued, but no more than thirty (30) days before the anticipated start date of work:

- (A) Property owners, residents, or occupants of the affected blocks.
- (B) Schools and churches in the area and the San Joaquin Regional Transit District.
- (C) Provide the City with a copy of the notice.
- (ii) At least five (5) days but not more than fifteen (15) calendar days prior to starting construction, post and maintain 11" × 17" notices at beginning and end of the project and every three hundred (300) feet in between and deliver a copy of same notice to each dwelling unit or business on the block. The notices must contain:

- (A) The name, address, and telephone number of the owner and the permittee.
- (B) A description of the project.
- (C) The start and completion dates of the project.
- (D) The name, address and twenty-four-hour telephone number of a contact person.

10-3-306 Excavation Material.

- (a) Pavement shall be cut to a straight, neat, vertical line prior to excavation.
- (b) All excavated material not suitable for backfilling shall be removed from the job site within twenty-four (24) hours. Excavated material suitable for backfilling may be stored on the job site for a maximum of five (5) working days, provided it does not occupy any more street space than the permit allows and provided this material is completely prevented from blowing, washing, or being thrown about at all times. Material may be stored on the adjacent private property if a written approval from the property owner has been obtained.
- (c) No trench shall be opened on any street that is not backfilled or plated at the end of the same day. Fines will be charged if any trench is left open.

10-3-307 Backfill.

- (a) Trenches shall be backfilled with sand or suitable site excavated material. Compaction of backfill shall be in accordance with City Standards Specifications.
- (b) When undermining occurs, remove existing pavement as required to compact the backfill and restore the pavement.
- (c) Each encroachment permit will specify the number of compaction tests required. Each compaction test shall be certified by an independent laboratory and submitted to the City. If the results of a compaction test show generally poor or marginal compliance with City compaction requirements, the number of compaction tests required may be increased by the City to help ensure that proper compaction is being achieved.

10-3-308 Paving.

- (a) Trenches shall be paved in accordance with City Standard Specifications. After the trench has been backfilled, and immediately prior to placing asphalt concrete, the existing asphalt concrete shall be saw cut, or milled according to City Standards, to a vertical face. New AC paving shall be butt joined to the existing asphalt concrete vertical face. No feathering of new paving to existing paving is allowed. The vertical faces shall be tack coated. In prohibition streets, placement of the final one and one-half (1½) inches of AC wearing surface shall be done by a paving machine or spreader box. Asphalt concrete shall be delivered and compacted in accordance with the Standard Specifications.

To allow for proper placement of the new pavement section, damaged pavement outside of the original trench cut lines shall be removed by cutting in lines perpendicular to or parallel to the original trench lines. No diagonal cuts are to be made. Undamaged pavement of three (3) feet or less between two (2) damaged areas shall also be removed.

- (b) For trenches in prohibition streets parallel to the centerline of the street, the entire, lane shall be key-cut one and one-half (1½) inches deep, and repaved with asphalt concrete. For trenches in prohibition streets with chip seal or slurry seal coatings, the entire lane shall be resurfaced with these coatings.
- (c) Trenches in concrete streets shall be paved with concrete pavement. The thickness of the new pavement shall be equal to the thickness of the existing pavement with the minimum thickness to be six (6) inches in the roadway.
- (d) Trenches in arterial streets, with asphalt wearing surfaces, shall be paved with not less than eleven and one-half (11½) inches asphalt concrete topped with one and one-half (1½) inches of asphalt concrete wearing surface or match the existing pavement if it is more.

(e) Trenches in local and collector streets shall be paved with not less than six and one-half (6½) inches asphalt concrete topped with one and one-half (1½) inches of asphalt concrete wearing surface or match the existing pavement if it is more.

(f) Pavement shall be restored within fourteen (14) working days from the time the entire trench is backfilled. For minor excavations such as service installations, the pavement shall be restored within thirty (30) working days from the time the entire trench is backfilled. The asphalt concrete wearing surface shall be placed within five (5) working days after placement of asphalt concrete base, weather permitting.

(g) Asphalt pavement shall be compacted to obtain a minimum of ninety-five percent (95%) of relative compaction. The asphalt concrete wearing surface shall have no irregularity greater than five-sixteenths (5/16) of an inch in ten (10) feet in any direction.

(h) On collector and arterial streets, steel plates shall be used when ordered by the City to facilitate traffic flow and to protect the excavation until finished pavement is restored. Steel plates used to bridge a street opening shall be ramped to the elevation of the adjacent pavement and secured against movement in any direction. Temporary ramps shall be constructed of asphalt and shall have a gradual slope. On all other streets, temporary asphalt cutback is permitted.

(i) After trench paving, utility trenches shall be color-coded with four-inch stenciled initials of the company doing the trench. These initials will be prescribed by the City as stated below and the color shall be as prescribed by the Underground Service Alert (USA). The initials shall be stenciled on the existing asphalt adjacent to the new trench. When paving is complete, the initials shall be painted, using Krylon (or an approved equal), at the beginning and end of each trench and at each intersection, if applicable. The use of colored identifying disks in place of painting is allowed.

Company	Color	Initials
MID—Electric	Red	MID
PG&E—Gas	Yellow	PG&E
Pacific Bell	Orange	PB
Cable TV	Orange	TV
MHCSD—Water	Blue	MHCSD
MHCSD—Sewer	Green	MHCSD

Any agency not listed above must contact the City to be assigned initials before performing any excavation or trenching activities in the City.

Electric	Red
Gas-Oil	Yellow
Communication—CATV	Orange
Water	Blue
Sewer	Green
Temporary Survey Markings	Pink
Proposed Excavation	White

USA Codes are:

All painted USA markings shall be removed by the permittee after the work has been completed.

(j) All damaged pavement markings and striping shall be replaced and restored by the excavator.

10-3-309 Defects.

(a) Depressed trench pavement shall be repaired as follows:
(1) Wearing surface defects — remove and restore wearing surface.
(2) Major defects — excavate, remove and restore surface and base.
(3) The Public Works Director will determine the severity of the defect.
(b) Work not complying with the above requirements shall be rejected, removed, and redone to the satisfaction of the Public Works Director.

(c) The owner of the facility/utility company is responsible for the roadway defects (area over and adjacent to the trench) appearing after the permittee restores the trench. The owner is responsible for maintenance, repair or reconstruction of the excavation site's affected area until the City reconstructs, repaves, or resurfaces the street.

(d) If there is a trench-related failure after the said City work is complete, the owner of the facility/utility company is responsible for its repair.

(e) The owner of the facility/utility company is responsible to maintain the trenches and repair any defects that may appear. The City will determine who is responsible for a defect when one is detected and will notify the responsible party and direct them to repair the facility.

When the City determines that an excavation or a defect is hazardous or constitutes a public nuisance or other imminent threat to public health, safety, or welfare, the Public Works Director may order the responsible party to remedy the condition immediately.

If the responsible party refuses or fails to make the needed repairs immediately, the City will make the repairs and:

(i) The responsible party will be charged all of the actual costs including administration, construction, consultant fees, equipment, inspection, notification, remediation made necessary by the action of the permittee, repair, and restoration.

(ii) The repair or restoration by the City does not relieve the responsible party from liability for future pavement failures.

(iii) If the responsible party fails or refuses to pay the restoration cost, the cost of the repair or restoration will be deducted from the responsible party's deposit.

10-3-310 Revocations and Fines.

Any violation of the above regulations may result in the revocation of the encroachment permit and/or be subject to a fine. The fines for various violations are as follows:

VIOLATIONS	PENALTY (Not to exceed amount shown)
1. Working without a permit.	\$1,000 and stop work
2. Excavation without providing public notice.	\$1,000 and stop work
3. Beginning a "Major Project" without having a preconstruction meeting.	\$500 per occurrence, per day
4. Violation of permit conditions.	\$500 per occurrence, per day.
5. Improper site protection: improper plating, path of travel, barricading, etc.	\$500 per occurrence, per day.
6. No permit on site.	\$250 per occurrence, per day.
7. Improper trimming of trench.	\$250 per trench, plus repair.
8. Any trench left open after the allowed work hours that is not backfilled and covered.	\$250 per day.
9. Improper public notice: no notice sign, wrong information on sign/notice.	\$100 per required sign, per day.
10. Noncompliance with trench restoration requirements.	\$250 per trench, per day.
11. Improper housekeeping: failure to remove spoil, dirty site, no sweeping, etc.	\$100 per 300 feet, per day.
12. Other excavation code violations.	\$100 per occurrence, per day.
13. Call for inspection but not ready to be inspected.	\$250 per occurrence, per day.

The above lines, when assessed, shall be deducted from the cash deposit required by Section 10-3-305(e)(1) of this Chapter or will be paid by the applicant if there is not a cash deposit.

To appeal any fines or other requirements, the applicant may request an informal appeal with the City Manager. There is no further appeal. If there are any fines, they must be paid and will be reimbursed if the appeal is valid.

10-3-311 Violations.

Any violation of this Chapter shall be an infraction.

10-3-312 Encroachment Permit Regulations.

This Section sets forth encroachment permit regulations for permits requested under the Digital Infrastructure and Video Competition Act of 2006.

(a) The City will either approve or deny the application for the permit within sixty (60) days of receiving the completed application. The application is complete when the applicant had complied with all statutory requirements including the California Environmental Quality Act.

(b) If the City Manager denies the application, the City Manager shall at the time of notifying the applicant of the denial, furnish to the applicant a detailed explanation of the reason for the denial.

(c) The Applicant may appeal a denial of the application to the City Council. The appeal must be filed with the City Clerk within ten (10) days of receipt of the denial by the Applicant. The appeal shall be in writing and state the reasons upon which the Applicant believes the denial to be in error. The City Clerk will schedule a hearing before the City Council at the next available regularly scheduled meeting of the Council following the receipt of a properly filed appeal and notify the Applicant of the date and time of the hearing. At the time of the hearing, the Council shall consider all relevant evidence and either affirm the denial, reverse the denial, or approve the issuance of the permit with conditions the Council adopts at the hearing. The Council will issue a written opinion of its decision within thirty (30) days of the close of the hearing.

DIVISION 4. OBSTRUCTIONS TO TRAFFIC

CHAPTER 1 VENDING FROM STREETS

10-4-100 Vending from Highway a Public Nuisance.

Any vehicle or structure parked or placed wholly or partly within any City street for the purpose of selling the vehicle or structure or any article, service, or thing from or in the vehicle or structure is a public nuisance. The Chief of Police may immediately remove such a vehicle or structure from within the highway.

10-4-401 Vendor Prohibition.

No person shall create the public nuisance described in Section 10-4-100 or sell therefrom or therein any article or thing; no person shall sell, display for sale, or offer for sale any article or thing either in or from any vehicle or structure so parked or placed, and no person shall store, service, repair, or otherwise work on any such vehicle, other than on a temporarily disabled vehicle.

10-4-402 Enforcement.

All peace officers may enforce the provisions of this Chapter and may cooperate with the Sheriff and California Highway Patrol to that end. Whenever any peace officer removes a vehicle from a street under the provisions of this Chapter, then all of the provisions of Sections 22850 through 22856 of the Vehicle Code of the State with reference to the removal of a vehicle from a street shall be applicable.

10-4-403 Exceptions.

The provisions of this Chapter shall not prohibit a seller from taking orders or delivering any commodity from a vehicle on that part of any city street immediately adjacent to the premises of the purchaser; nor shall the provisions of this Chapter prohibit an owner or operator of a vehicle, or a mechanic, from servicing, repairing, or otherwise working on any vehicle which is temporarily disabled in a manner and to an extent that it is impossible to avoid stopping the vehicle within the street.

10-4-404 Violations; Penalty.

Any person violating any provision of this Chapter shall be punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in jail not to exceed one hundred eighty (180) days, or by both. Each day or portion of a day during which any violation of this Chapter occurs or continues shall constitute a separate offense, and on conviction shall be punishable as provided in this Section.

CHAPTER 2 MISCELLANEOUS OBSTRUCTIONS

10-4-200 Cultivation Within Right-of-way.

No person shall plow, disc, harrow, or otherwise cultivate any land within the right-of-way of any City street closer than three (3) feet from the outer edge of the paved portion of the street; any plowing, discing, harrowing, or otherwise cultivating on the city right-of-way further than three (3) feet from the outer edge of the paved portion of the city street shall be done only in

a way that does not leave any hole, depression, or irregularity which may create a hazardous condition to persons using the street, and no excavation, transportation, or removal of soil from that portion of the City right-of-way shall be allowed except under a special permit issued by the Director. For purposes of this Section, the Director shall be the City Manager or their designee.

10-4-201 Dumping of Waste.

No person shall place, deposit, or dump, or cause to be placed, deposited, or dumped, any waste matter, including but not limited to, garbage, swill, cans, bottles, papers, plastic, ashes, refuse, carcass of any dead animal, offal, dung, silt, mud, garden trimmings, vehicles or any parts thereof, trash, rubbish, or any noisome, nauseous, or offensive matter in or on any City street, including any portion of the right-of-way.

This Section does not apply to littering as defined under State Law.

10-4-202 Violation; Penalty.

(a) Any violation of this Chapter is punishable by a fine of not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00), or imprisonment not to exceed six (6) months, or both.

(b) The court may require, in addition to any fine or imprisonment imposed upon a conviction of Section 10-4-201, that, as a condition of probation and in addition to any other condition of probation, a person convicted under this Chapter remove, or pay the cost of removing, to an approved disposal site or facility, any waste which the convicted person dumped or caused to be dumped upon a City right-of-way.

(c) In addition to the requirement that the convicted person remove waste which he or she is responsible for dumping, and in addition to the fine imposed upon a conviction, the court may require as a condition of probation, in addition to any other condition of probation, that any person convicted under this Chapter pick up waste at a time and place within the jurisdiction of the court and under the supervision of the Chief of Police for not less than twelve (12) hours. For purposes of this Section, the Chief of Police shall be the City Manager or their designee.

10-4-203 Deposit of Waste; Reward.

Every person giving information leading to the arrest and conviction of any person for a violation of Section 10-4-201 is entitled to a reward. The amount of the reward for each arrest and conviction shall be fifty percent (50%) of the fine levied against and collected from the person who violated the section.

Any person claiming a reward under this Section shall file a claim therefor with the City Clerk, and the claim shall be accompanied by a certification by the City Attorney that the claimant is entitled to the reward provided in this Section.

In case of dispute, the City Council, after hearing the report and recommendation of the City Attorney, shall be the sole judge of the party or parties, if any, entitled to receive any reward.

CHAPTER 3 ANIMALS ON STREETS

10-4-300 Staking Animals.

No person shall tie, hitch, or stake a horse, cow, sheep, hog, or any other animal upon, in, or along any street in this City so that the animal can go upon or across the used or traveled part of the highway or any portion of the used or traveled part of the highway.

10-4-301 Violation; Penalty.

Any person violating this Chapter shall be punishable by a fine of not less than five dollars (\$5) nor more than fifty dollars (\$50) for any one offense.

CHAPTER 4 STREETS UNDER REPAIR

10-4-400 Traffic Prohibited.

No person shall walk, go, travel, or drive with any animal, vehicle, motorcycle, or bicycle, or ride or drive any animal across, or over any street in the City, when the street is being repaired or constructed before the repair or construction is finally completed.

10-4-402 Violation; Penalty.

Any person who violates this Chapter shall be punished by imprisonment in Jail for not less than ten (10) days nor more than one hundred (100) days, or by a fine not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or by both.

CHAPTER 5 RAILROADS

10-4-500 Obstruction of Traffic.

When any train of cars, car or engine, except a passenger train, on any railroad operated within this City, stops in a position to obstruct the ordinary travel on any street or highway, the corporation, company, or person, or officer, agent, conductor, or engineer, having charge of or operating any train, car or engine, must cause it to be removed within ten (10) minutes after stopping, so as to leave the street or highway open to its full width to accommodate public travel.

CHAPTER 6 FRANCHISE FOR RIGHTS ON OR OVER CITY STREETS

10-4-600 Franchise Required.

Any person or corporation, except those granted special privileges by law of the State of California, desiring to make use of any City street or public right of way for the purpose of erecting or installing therein or thereon any facility shall be required to obtain from the City a franchise authorizing such use. Each such person or corporation shall make application to the City Council for the privilege or franchise they desires to exercise or enjoy.

10-4-601 Granting Franchise.

Every franchise or privilege whatsoever hereafter proposed to be granted by the Council shall be granted subject to the laws regulating the activity of the applicant therefor and the laws granting the franchise or privileges by the Council, and the grantee of any such franchise or privilege shall have the right as against all persons to make use of the City streets and public

right of ways as provided in the franchise or privilege granted by the Council to the full extent of the lawful authority of the City to permit such use.

CHAPTER 7 REMOVAL OF VEHICLES

10-4-700 Power of Peace Officers.

The Mountain House Police Department and all other peace officers may remove a vehicle from the streets and highways within the City under the following circumstances:

(a) When a vehicle is parked or left standing upon a City street for 72 or more consecutive hours.

(b) When a vehicle is illegally parked on a City street and the use of a street or a portion thereof is necessary for the cleaning, repair, or construction of the highway or for the installation of underground utilities, and signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal; or

(c) Where the use of the street or any portion thereof is authorized for a purpose other than the normal flow of traffic; or 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, and signs giving notice that such vehicle may be removed, are erected or placed at least 24 hours prior to the removal.

(d) Where any vehicle is parked or left standing when such parking or standing has been prohibited by resolution of the City Council. No vehicle may be removed unless signs are posted giving notice of the removal.

CHAPTER 8 TRAFFIC LAWS ON PRIVATE PROPERTY

10-4-800 Parking Facilities.

(a) The Council hereby finds and declares that those privately owned and maintained off-street parking facilities as described in subsection (b) of this Section are generally held open for use by the public for purposes of vehicular parking and that Sections 22350, 23103, and 23109 of the Vehicle Code shall hereby apply to those privately owned and maintained off-street parking facilities listed in subsection (b) of this Section upon compliance with the following conditions:

(1) The owner or operator of those off-street parking facilities listed in subsection (b) of this Section shall post in a conspicuous place at each entrance to such off-street parking facility a notice not less than 17 by 22 inches in size with lettering not less than one inch in height, to the effect that such off-street parking facility is subject to public traffic regulations and control.

(2) No privately owned and maintained off-street parking facility shall be added to subsection (b) of this Section without a public hearing thereon and 10 days prior written notice to the owner and operator of the off-street parking facility involved that this Section is being amended to include said facility.

(b) The following privately owned and maintained off-street parking facilities shall be subject to Sections 22350, 23103 and 23109 of the Vehicle Code upon compliance with subsection (a) of this Section:

[Intentionally left blank]

10-4-801 Parking or Drinking on Posted Property.

The City Council hereby finds and declares that there are numerous privately owned and maintained off-street parking facilities which are generally held open for use by the public for purposes of vehicular parking located within the City, and that there is a need to regulate the parking of motor vehicles and the possession of opened alcoholic beverages in or about such parking facilities.

The City Council further finds and declares that the owners or persons in lawful possession of such privately owned and maintained off-street parking facilities which are generally held open for use by the public for purposes of vehicular parking located within the City may post the property prohibiting any one or any combination of the following acts:

- (a) Remaining on the property after business hours;
- (b) Remaining on the property without the permission of the owner or person in control;
- (c) Parking of motor vehicles;
- (d) Possession of an opened alcoholic beverage.

Such posting of property may totally prohibit the acts or may prohibit them during certain hours or limit the duration to less than an hour.

10-4-802 Prohibited Activities.

It shall be unlawful for any person to do any of the following acts on posted property, if the act is prohibited by the language of the posted sign or signs:

- (a) Remain on property after business hours;
- (b) Remain on property without the permission of the owner or person in control;
- (c) Park a motor vehicle;
- (d) Possess an opened alcoholic beverage.

10-4-803 Signs.

Posting of such signs shall be accomplished by a sign or signs posted on the property at a location or locations sufficient to give adequate and reasonable notice of the restrictions. If the property has defined entrances, a sign must be posted at each said entrance. Any sign posted pursuant to Section 10-4-802 shall have the appropriate restriction printed in lettering not less than two inches in height.

10-4-804 Penalty.

A violation of Section 10-4-802 shall constitute an infraction.

10-4-805 Roads to Commercial Establishments.

(a) The Council hereby finds and declares that those privately owned and maintained roads described in subsection (b) of this Section are generally held open to the public for purposes of vehicular traffic to serve commercial establishments and that the provisions of the Vehicle Code shall apply to those privately owned and maintained roads listed in subsection (b) of this Section subject to the following conditions:

- (1) No privately owned and maintained road shall be added to subsection (b) of this ordinance without a public hearing thereon and ten (10) days prior written notice to the owner of the privately owned and maintained road involved that this ordinance is being amended to include said road.

(2) Notwithstanding the above provisions of this ordinance, this ordinance shall not apply to any road on which the owner has caused to be erected a notice of such size, shape and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect the road is privately owned and maintained and that it is not subject to public traffic regulations or control.

(b) The following privately owned and maintained roads shall be subject to the provisions of the Vehicle Code upon compliance with subsection (a) of this ordinance.

[Intentionally left blank]

10-4-806 Skating, Skateboarding or Bicycling on Posted Property.

The City Council hereby finds and declares that there are numerous privately owned and maintained sidewalks within the City which are generally held open for use by the public.

The City Council also finds and declares that there is a need to regulate skating, skateboarding and bicycling activities on or about these privately owned and maintained sidewalks for the safety of the public.

Therefore, the City Council finds and declares that the owners or persons in lawful possession of said privately owned and maintained sidewalks may post the property to prohibit the use of skates, skateboards, and bicycles.

10-4-807 Prohibited Activities.

It shall be unlawful for any person to use or ride any skate, skates, skateboard or bicycle on posted sidewalk property, if the use or riding of such devices is prohibited by the language of the posted sign or signs.

10-4-808 Signs.

Posting or erecting of signs prohibiting the acts set forth in Section 10-4-807 shall be accomplished by placement of signs at intervals not less than every two hundred (200) feet along the area to be posted. Any sign posted pursuant to this Section shall have the appropriate restriction printed in lettering not less than two inches in height.

10-4-809 Penalty.

A violation of Section 10-4-807 shall constitute an infraction.

DIVISION 5. MISCELLANEOUS REQUIREMENTS

CHAPTER 1 EQUIPMENT OF VEHICLES

10-5-100 Definitions.

“Director” shall be defined as the City Manager or their designee.

“Public right of way” shall mean the improved or unimproved surface of and the space above and below a City easement for public utility purposes, or street, or similar public way of any nature, dedicated or improved for vehicular, bicycle, and/or pedestrian related use now or hereafter held by City, however acquired.

10-5-101 Protuberances on Tires.

No tire on any vehicle on any public right of way shall have on its periphery any block, stud, flange, cleat, ridge, bead, or other protuberance of metal or wood projecting beyond the tread of the traction surface of the tire. The tracks of a crawler-type vehicle shall be considered a tire within the meaning of this Chapter.

10-5-102 Exceptions.

The foregoing section shall not apply to:

- (a) The use of tire chains of reasonable size to prevent skidding on surfaces or on snow or ice.
- (b) The use of pneumatic tires which have embedded in them wire not to exceed .075 inches in diameter and which are so constructed that under no conditions will the percentage of metal in contact with the roadway exceed five (5) percent of the total tire area in contact with the roadway; but during the first one thousand (1,000) miles of use or operation of these tires the metal in contact with the roadway may exceed five (5) percent of this area but shall in no event exceed twenty (20) per cent of the area.
- (c) Vehicles operated on unimproved roadways when necessary in the construction or repair of highways.
- (d) Traction engines or tractors when operated under the conditions of a permit first obtained from the Director.

10-5-103 Agricultural and Construction Equipment.

No equipment attached to any vehicle such as discs, harrows, scarifiers, or other implements of agriculture or construction that may scratch, cut, gouge, or otherwise mark a pavement, shall be allowed to come in contact with any public right of way; but the Director may permit the use of such equipment on a public right of way on the filing of an application for a permit, which they may issue with the imposition of reasonable conditions that, may be required to protect the public right of way.

10-5-104 Violation; Penalty.

Any violation of this Chapter is punishable by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) or imprisonment not to exceed six (6) months, or both.

CHAPTER 2 TREES, SHRUBS AND OTHER PLANTS

10-5-200 Destruction of Plants; Penalty.

Every person except any employee of the State or of any political subdivision of the State engaged in work on any public right of way while performing work under the supervision of the State or of any political subdivision of the State, who without a written permit from the City Council willfully or negligently cuts, destroys, mutilates, or removes any tree, shrub, fern, herb, bulb, cactus, flower, or huckleberry or redwood greens, or part of any of them, growing on any public right-of-way, or who removes leaf mold therefrom, shall be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than six (6) months or by both.

10-5-201 Exceptions.

- (a) The provisions of this Chapter shall not apply to any tree, shrub, fern, herb, bulb, cactus, flower, or greens declared by law a public nuisance.
- (b) The provisions of this Chapter shall not apply to the necessary cutting or trimming of trees, shrubs, ferns, herbs, bulbs, cacti, flowers, or greens to protect or maintain an electric power line, telephone line, or other property of a public utility.
- (c) The provisions of this Chapter do not apply to persons engaged in logging operations or in suppressing fires.

CHAPTER 4 SPORTS APPARATUS

10-5-400 Traffic Obstruction.

No person shall place, or cause to be placed, any sports apparatus in or on any public or private highway or road, including any portion of the right-of-way thereof, including sidewalks, or in or upon any private property into or upon which the public is admitted by easement or license, so as to cause an obstruction to vehicular or pedestrian traffic.

10-5-401 Violation; Penalty.

If any sports apparatus exists in or on any public or private highway or road, including any portion of the right-of-way thereof, including sidewalks, or in or upon any private property into or upon which the public is admitted by easement or license, so as to cause an obstruction to vehicular or pedestrian traffic, the Director of the Community Development Department may require the removal of the sports apparatus pursuant to Division 2 of Title 1. For purposes of this Chapter, the Director of the Community Development Department shall be the City Manager or their designee.