

ORDINANCE NO. 3716-C.S.

ORDINANCE REPEALING AND REPLACING CHAPTER 2 “VEHICLE AND TRAFFIC REGULATIONS” OF TITLE 3 “PUBLIC SAFETY” OF THE MODESTO MUNICIPAL CODE

WHEREAS, the City has conducted an extensive study examining its current parking regulations; and

WHEREAS, the City through its study created a Parking Engineering Realignment Program (Program), and

WHEREAS, the purpose of the Program is to improve the management, enforcement, and availability of public parking within the City, and

WHEREAS, in order to further community preservation, protection of the health, safety and welfare of its citizens, property values, and aesthetic qualities, these regulations are intended to provide a just equitable and practical method for regulating and enforcing street parking restrictions and prohibitions for certain vehicles with the City.

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

TITLE 3 – PUBLIC SAFETY

Chapter 2 – VEHICLES AND TRAFFIC REGULATIONS

Article 1. - Definitions

3-2.101 - Definitions of Words and Phrases.

(a) The words and phrases used in this chapter shall have the meanings respectively ascribed to them in this article.

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

3-2.102 - Bus Loading Zone.

The space adjacent to a curb reserved for the exclusive use of vehicles operated by a public carrier during the loading or unloading of passengers.

3-2.103 - Council.

The Council of the City of Modesto.

3-2.104 - Curb.

The lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked. The word "curb" as herein used shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights-of-way of public utility companies.

3-2.105 – Director of Public Works.

"Director of Public Works " means the Director of Public Works or designee of the City of Modesto.

3-2.106 - Freight Loading Zone.

A space adjacent to a curb reserved for the exclusive use of commercial vehicles during the loading or unloading of materials.

3-2.106.1 – Commercial Vehicles.

A commercial vehicle is defined as any vehicle with more than three wheels that is greater than 22 feet in length that clearly displays the business name and that is used for transporting freight, merchandise or material.

3-2.107 - Holidays.

For the purpose of this chapter only, holidays shall be as specified in Section 6700 of the California Government Code, as the same now exists or may hereafter be amended.

3-2.107.1 - Interstate Truck Route.

A street upon which a vehicle or combination of vehicles authorized by Vehicle Code Section 35401.5 may operate.

3-2.108 - Loading Zone.

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

3-2.109 - Official Time Standard.

Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in the City.

3-2.110 - Parking Space

A parking space is a space which is duly designated on-street or off-street for the parking of a single vehicle that is marked by lines painted or otherwise durably marked on the pavement, curb or on the surface of a lot, garage or public street.

3-2.110.1 - Parking Meter.

A mechanical device or machine installed or placed within or upon a surface lot, curb or sidewalk area, placed immediately adjacent to or within the established a parking space or parking zone, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle is permitted.

3-2.110.2 – Parking Payment Device

Any device used to accept payment for parking, such as parking meters, pay station kiosks, mobile devices, or other methods approved by the Public Works Director.

“Pay-by-space/pay-and-display machine” or “pay station” means any mechanical/electronic device or mechanism not inconsistent with this title placed or erected for the control or regulation of multiple parking meter spaces by the authority of this title.

3 2.110.3 – Parking Signage

Signage that aids in the management and control of the parking and loading of vehicles on City streets or other right-of-ways and that designates that parking or loading on a specific block face, or portion thereof, requires time limits and/or requires payment for such use either at a parking payment device or via mobile device or other approved method or device approved by the Public Works Director.

3-2.111 - Parkway.

That portion of public land between the sidewalk and the street or roadway.

3-2.112 - Passenger Loading Zone.

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passenger.

3-2.113 - Pick Up.

To take aboard a load or cargo of the type or kind that said vehicle is designed to haul.

3-2.114 - Police Officer.

“Police Officer” every sworn officer of the Police Department of the City, or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

2.114.1 – Parking Enforcement Officer

“Parking Enforcement Officer” means an authorized official of the city who directs traffic and enforces parking and vehicle code regulations related to the stopping standing and parking of vehicles pursuant to the provisions of this Code and the California Vehicle Code.

3-2.114.2 – Parking Penalty

“Parking Penalty” Shall mean any fine authorized by law and this Code, including authorized assessments, late penalty, administrative and collection fees.

3-2.115 – Public Parking Facility.

Any building, structure, lot, space or area within the City now or hereafter used for off-street parking of vehicles by members of the public, and owned or operated for such use by the City.

3-2.116 - Truck Route.

A street, avenue or thoroughfare over and upon which vehicles designed or used for the transportation of commodities or materials may be driven and operated regardless of weight and size of said vehicles; provided said vehicles do not exceed the size and weight of vehicles permitted by state law to be driven upon or over highways and streets within the State of California.

3-2.117 – Parking

“Parking,” “park” or “standing” means to stop, or allow to stand, any vehicle, whether occupied or not, otherwise than (1) in obedience to official traffic control device, (2) by direction of traffic control personnel, or (3) temporarily for the purpose of, and while actually engaged in, loading and unloading of merchandise or passengers.

A. A vehicle shall be deemed to have been parked or left standing when such vehicle has not been moved more than 1 block under its own power from its original stopped, parked or standing position. A block is defined as a segment of a street adjacent to an intersection or between an intersection and the final point of the street. Vehicles may not return to park within the same block within a 24-hour period.

3-2.118 – Construction Zone

“Construction zone” means any area on a street which is designated for the exclusive use of construction activities, including parking.

3-2.119 – Taxicab and transportation network company (TNC) Zone “Taxicab or TNC zone” means the spaces adjacent to a curb reserved exclusively for the legal parking of taxicabs and transportation network companies while awaiting hire. All such zones shall be indicated by painting the curb yellow on white with a legend “Taxicab ” or “App Ride/TNC Zone “ thereon and a sign posted indicating the same.

3-2.120 – Taxicabs and transportation network company (TNC) vehicles.

A. Transportation network companies (TNC) provide application dispatch services (technology that allows consumer to directly request dispatch of for-hire drivers for trips via the internet using mobile interfaces such as smartphone applications), to connect drivers with passengers for transportation services.

B. No owner or driver of any taxicab or TNC vehicle shall park or stand the same upon any public highway or the street for a period of time longer than is necessary to discharge or receive passengers then occupying or then waiting for such taxicab or TNC vehicle. The city traffic engineer is authorized to install signage within commercial loading zone spaces permitting the active loading and unloading of passengers from taxicab and TNC vehicles during non-commercial loading hours. When appropriate signs are in place indicating such, the space may not be utilized for the stopping or standing of other vehicles.

3-2.121 - Vehicle Code.

Vehicle Code means the Vehicle Code of the State of California.

Article 2. - Enforcement and Obedience to Parking and Traffic Regulations

3-2.201 - Authority of Police, and Fire Department Officials, and Director of Public Works.

- (a) It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the City and all of the State vehicle laws applicable to street traffic in the City.
- (b) Members of the Police Department or such officers as are assigned by the Chief of Police are hereby 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.

- (c) Members of the Fire Department, when at the scene of a fire or when in the course of their duties they are protecting the personnel or equipment of the Fire Department, may direct or assist the police in directing traffic.
- (d) The Chief of Police or his or her designee may temporarily close a portion of any street when the closing is necessary for the safety and protection of persons who are using that street or to safeguard the property and persons or citizens.
- (e) The Director of Public Works may authorize and assign persons to enforce parking laws and regulations to the maximum extent permitted by law.
- (f) If the Director of Public Works determines that traffic congestion may result from public or private events or activities, the Director or their designee may place signs restricting or prohibiting the operation, parking or standing of vehicles on streets and alleys in the interest of protection the public's safety.

3-2.202 – Parking Penalty Provisions.

A. Intent. It is the intent of the Modesto City Council to exercise its full authority granted by California Vehicle Code Section 40203.5(a), to establish a schedule of parking penalties for parking violations which may include, late fees, collection fees and other related charges in addition to all state mandated fees. A violation of any provision of this chapter shall have a civil penalty under the provisions of this title and shall be required to pay the established penalty provided on the schedule of parking penalties for parking laws and regulations. Any surcharges or assessments to parking penalties that are mandated by state law shall be added to the civil penalty imposed for the violation. Additionally, when a hold on a vehicle registration renewal is imposed due to delinquency of the violation, the penalty shall increase by the amount imposed by the California Department of Motor Vehicles.

B. Procedure for Establishment. Subject to any limitations imposed by state law, the City Council shall, by resolution, establish parking penalties, late payment penalties, administrative fees, and collection fees. The City Manager is authorized to amend the schedule of parking penalties to incorporate any changes to State-mandated surcharges, fees or fines related to the provisions of the California Vehicle Code for violations that can be issued on a notice of parking violation.

3-2.203 - Persons other than Officials Shall Not Direct Traffic.

Except for City employees performing a duty within the scope of their employment which necessitates the direction of traffic, no person other than an officer of the Police Department or a person deputized by the Chief of Police, or a person authorized to do so by a police officer in an emergency, or a person authorized by law, 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 Director of Public Works .

3-2.204 - Exemptions to Certain Vehicles.

A. The provisions of this chapter regulating the operation, parking or standing of vehicles shall not apply to any vehicle of the police or fire department, any public ambulance or any public utility vehicle when any vehicle mentioned in this section is operated in a manner specified in the Vehicle Code in response to an emergency call.

B. The exemptions shall not, however, protect the driver of any such vehicle from the consequences of their willful disregard of the safety of others.

C. The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle owned or operated by the City when said vehicle is being used in the line of duty or k r any vehicle owned by the United States Postal Service while in use for the collection, transportation or delivery of United States mail.

3-2.205 - Report of Damage to Certain Property.

- (a) The driver of a vehicle 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, telephone pole, electric light or power pole, or resulting in damage to any 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 of the City.
- (b) 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, the license number of every such vehicle, and shall briefly describe the property damaged in such accident.
- (c) A driver involved in an accident shall not be subject to the requirements or penalties of this section if and during the time such driver is physically incapable of making a report, but in such event said driver shall make a report as required in subsection (a) of this section within twenty-four (24) hours after regaining ability to make such report.

Article 3. - Traffic-Control Devices

3-2.301 - Authority to Install Traffic-Control Devices.

- (a) The Director of Public Works 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 laws of the City to make effective the provisions of said laws.
- (b) Whenever the Vehicle Code of the State of California requires for the effectiveness of any provisions thereof that traffic-control devices be installed to give notice to the public of the application of such law, the Director of Public Works is hereby authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.
- (c) The Director of Public Works may also place and maintain or cause to be placed and maintained such additional traffic control devices as he/she may deem necessary to regulate traffic or to guide or warn traffic, but he/she shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in the traffic laws of the City, or as may be determined by ordinance or resolution of the Council.

3-2.302 - When Traffic-Control Devices Required for Enforcement Purposes.

No provision of the Vehicle Code of the State of California or of this chapter for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws.

3-2.303 - Obedience to Traffic-Control Devices.

The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the traffic laws of the City unless otherwise directed by a police officer subject to the exceptions granted the driver of an authorized emergency vehicle when responding to emergency calls.

3-2.304 - Installation of Traffic Signals.

- (a) The Director of Public Works shall install 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.
- (b) The Director of Public Works shall ascertain and determine the locations where such signals are deemed by him/her to be necessary for the preservation of the public safety by resort to field observations, traffic counts and other traffic information as may be pertinent.

3-2.305 - Lane Markings.

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

3-2.306 - Distinctive Roadway Markings.

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

3-2.307 - Authority to Remove or Discontinue Traffic Control Devices.

The Director of Public Works is hereby authorized to remove or discontinue the operation of any traffic control device not specifically required by state law or this chapter, if he/she determines in any particular case that the conditions which warranted or required the installation no longer exist or obtain.

3-2.308 - Traffic Control Devices. Hours of Operation.

The Director of Public Works shall determine the hours and days during which any traffic control device shall be in operation or in effect, except in those cases where such hours or days are specified in or pursuant to the provisions of this chapter, or by ordinance or resolution of the Council.

Article 4. - Turning Movements

3-2.401 - Authority to Place and Obedience to Turning Markers, Intersections. Multiple Lanes.

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

3-2.402 - Authority to Place Restricted Turn Signs.

The Director of Public Works is hereby 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, when such signs are required by the Vehicle Code. 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.

3-2.403 - Obedience to No-Turn Signs.

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

3-2.404 - Authority to Prohibit Turns Against Traffic Stop Signal.

The Director of Public Works is hereby authorized to determine those intersections at which drivers of vehicles shall not make right or left turns against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the directions of any such sign.

Article 5. - One-Way Streets and Alleys

3-2.501 - One-Way Streets and Alleys.

The Council shall determine and designate one (1) way streets or alleys or portions thereof, by resolution, which designation shall become effective when appropriate signs are in place giving notice of said designations to the public. Whenever any resolution of this City designates any one (1) way street or alley, the Director of Public Works shall cause to be placed and maintained 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.

3-2.502 - Traffic Control through Certain Alleys.

Whenever any resolution of this City designates an alley as a one (1) way alley it shall be unlawful to drive any vehicle through said alley except in the direction authorized, or to stop or park any vehicle in said alley except on the side thereof designated by the Director of Public Works and as near the property line as is practicable. The Director of Public Works shall cause signs to be erected on one (1) way alleys indicating the side or portion thereof upon which loading or unloading is authorized.

Article 6. - Special Stops Required

3-2.601 - Stop Signs.

The Director of Public Works is authorized to erect and maintain stop signs at those locations where he/she deem such controls to be necessary in order to protect the public safety. When signs are erected giving notice thereof, drivers of vehicles shall stop at the entrance or entrances to such intersections.

Article 7. - Yield-Right-of-Way Signs

3-2.701 - Yield-Right-of-Way Signs.

Pursuant to the authority contained in Section 21356 of the Vehicle Code of the State of California, the Director of Public Works is authorized to erect or cause to be erected yield-right-of-way signs at one (1) or more approaches to an intersection of streets and highways in the City which are not through streets.

Article 8. - Miscellaneous

3-2.801 - Clinging to Motor Vehicles.

No person shall attach himself with his hands, or catch on, or hold on to with his hands, or by any other means, to any moving vehicle or train for the purpose of receiving motive power therefrom.

3-2.802 - Vehicles shall not be Driven on the Sidewalk.

Except as provided in Sections 3-2.206 and 3-2.803.1 of this chapter, the driver of a vehicle other than a bicycle shall not drive within any sidewalk area or any parkway except at a permanent or temporary driveway.

3-2.802.1 - Operation of Electric Carts by Disabled Persons, Persons Fifty (50) Years of Age or Older, by Employees of the United States Postal Service, State and Local Government Agencies, or Utility Companies.

Notwithstanding the provisions of Section 3-2.803 of this chapter, an electric cart may be operated upon a public sidewalk by a physically disabled person, by a person fifty (50) years of age or older, or, while in the course of their employment, by employees of the United States Postal Service, State and local government agencies, or utility companies. However, any disabled person or person fifty (50) years of age or older who owns or leases an electric cart must first apply to the Police Chief for a permit and an identification sticker to so operate the cart, and such person is required to affix such identification sticker to the cart in order to operate it on the sidewalk. The permit and sticker shall become invalid if the person ceases to operate, own, or lease the cart.

3-2.803 - New Pavement.

No person shall walk, 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 walk or 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.

3-2.804 - Driving Over Fire Hose.

No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Chief or the assistant in command.

3-2.805 - Bicycle Riding Restricted.

No person shall propel a bicycle within any sidewalk area in any business district as defined by Section 235 of the Vehicle Code of the State of California.

3-2.806 - Use of Coasters, Roller Skates and Similar Devices Restricted.

It shall be unlawful for any person upon roller skates or riding on or by means of a skateboard, coaster or similar device to go upon any roadway in the City or in any City-owned parking lot or City-owned parking structure or in the City of Modesto Transportation Center or in the City of Modesto Amtrak Station or upon the sidewalk in any business district as defined by Section 235 of the Vehicle Code of the State of California or any property of the Modesto City School District, Sylvan Unified School District or Empire Union School District. Provided, however, the Council may, by resolution, grant approval for the use of roadways, City-owned parking lots, City-owned parking structures, and sidewalks for organized skating events of community-wide interest and importance, and that the Director of Public Works, or such persons as may be designated by the Director, may grant approval for use of City park parking lots for organized skating events of community-wide interest and importance. In granting such approval, the Council and the Director or the Director's designee may impose such conditions, restrictions and requirements as they deem necessary or desirable in order to protect the public interest and promote the general welfare.

3-2.807 - Railway Gates.

No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or being opened or closed.

3-2.808 - Speed of Trains.

It shall be unlawful for any person in charge of, having control of, or directing the movement of any railway train, railway locomotive, railway car or cars, or similar vehicles which move on rails, to cause or permit any such train, locomotive, car or cars, or similar vehicle which moves on rails, to be operated, moving or propelled along any of the streets or across any of the street crossings of the City at a speed greater than forty-five (45) miles per hour.

3-2.809 - Removal of Enforcement Markings.

No person shall remove nonpermanent markings placed on the tire of a vehicle by an employee of the city who is authorized to enforce parking regulations in the performance of his or her official duties.

3-2.810 - Obstructing Intersections and Crosswalks.

It shall be unlawful for the operator of any vehicle to park within an intersection or to obstruct a marked crosswalk.

3-2.811 - Blocking Roadway Prohibited.

Trucks or other vehicles permitted to park at an angle to curbs, sidewalk areas or building lines shall be so positioned that they do not block or impede the normal flow of traffic.

3-2.812 - Leaving Unattended Vehicle.

(a) Removing Ignition Key. No person driving or in charge of a motor vehicle shall permit it to stand unattended in any public place, or on any public parking lot, without

first stopping the engine, locking the ignition and removing the ignition key from the vehicle.

- (b) Whenever any police officer or authorized employee shall find a motor vehicle standing unattended with the ignition key in the vehicle, in violation of this section, such employee is authorized to remove such key from such vehicle and to deliver such key to the Police Department-, located at 60010th Street, Modesto, California.
- (c) Presumption. The registered owner of a vehicle found in violation of this section shall be held prima facie responsible for any such violation.
- (d) Violations. Any violation of the provisions of this section shall not mitigate the offense of stealing such motor vehicle nor shall such violation be used to effect a recovery in any civil action for theft of such motor vehicle, or the insurance thereon, or have any other bearing in any civil action.

3-2.813 - Approval of State Department of Public Works.

- (a) Any provision of this chapter which regulates traffic or delegates the regulation of traffic upon state highways in any way for which the approval of the Department of Public Works is required by state law, shall cease to be operative six (6) months after receipt by the Council of written notice of withdrawal of approval of the Department of Public Works.
- (b) Whenever this chapter delegates authority to a City officer, or authorizes action by the Council to regulate traffic upon a state highway in any way which by state law requires the prior approval of the Department of Public Works, no such officer shall exercise such authority nor shall such action by the Council be effective with respect to any state highway without the prior approval in writing of the Department of Public Works when and to the extent required by Division 9 and Division 11 of the Vehicle Code.

Article 9. - Pedestrians

3-2.901 - Crosswalks.

The Director of Public Works is hereby authorized to establish, designate and shall cause to be maintained crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway.

3-2.902 - Jaywalking Prohibited.

No pedestrian shall cross a roadway other than by a crosswalk in any business district as defined by Section 235 of the Vehicle Code of the State of California.

3-2.903 - Crossing at Right Angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

Article 10. - Stopping, Standing and Parking

3-2.1001 - Application of Regulations.

- (a) The provision of this article 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.

- (b) The provisions of this article 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 of the State of California or this Code prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

3-2.1002 - Use of Streets for Storage of Vehicles Prohibited.

- (a) The Council finds that the use of streets for storage of vehicles, including a recreational vehicle, travel trailer, mobile home, boat trailer, bus, semi, house car, utility trailer and camper whether attached to another vehicle or separate, in order to avoid removal as a stored vehicle presents risk to the public health, safety and general welfare.

- (b) In the event a vehicle is parked or left standing upon a street, alley or public parking facility in excess of a consecutive period of seventy-two (72) hours, any member of the Police Department or a Parking Enforcement Officer, may remove said vehicle in the manner and subject to the requirements of the Vehicle Code Section 22651.

3-2.1003 - Parking for Certain Purposes Prohibited.

- (a) Repealed.

- (b) No person shall park a vehicle upon any roadway located in a commercial or industrial zone for the principal purpose of washing, greasing or repairing such vehicle except for repairs necessitated by an emergency.

3-2.1004 - Standing for Loading Only in Alleys.

No person shall stop, stand or park a vehicle in any alley for any purpose other than for the loading or unloading of passengers or materials. The loading or unloading of passengers shall not consume more than three (3) minutes, and the loading or unloading of materials shall not consume more than twenty (20) minutes without impeding traffic circulation and emergency access through alleys. This section shall not apply to an alley where parking is prohibited.

3-2.1005 - Parallel and Angle Parking.

- (a) No person shall park a vehicle on the left-hand side of a two (2) way street facing against the flow of traffic.

- (b) Subject to other and more restrictive limitations, a vehicle stopped or parked upon a roadway shall be stopped or parked with the right-hand wheels of the vehicle parallel to, and within eighteen (18) inches of, the right-hand curb or the right-hand edge of the class IV bikeway, except that a motorcycle shall be parked with at least one wheel or fender touching the right-hand curb or edge. If no curbs, barriers, or class IV bikeways bound a two-way roadway, right-hand parallel parking is required unless otherwise indicated.

- (c) The Council is hereby authorized by resolution to determine the streets upon which and the hours during which angle parking shall be permitted either exclusively or in conjunction with parallel parking, which regulations shall become effective when appropriate signs or marking are in place giving public notice thereof. On those streets upon which angle parking exclusively is authorized, such fact shall be indicated by the painting of white lines upon the surface of the roadway indicating angle parking. On such streets,

vehicles shall be parked at the angle to the curb of the roadway with at least one (1) front wheel within eighteen (18) inches of the curb. On those streets upon which combination parallel and angle parking is authorized, such fact shall be indicated by the posting of signs giving public notice thereof. On such streets, vehicles shall be parked as indicated by such signs.

3-2.1006 - Parking of Commercial Vehicles and Buses Prohibited in Residential Districts.

No person shall park or leave standing any commercial vehicle, as defined in the Vehicle Code of the State of California,, upon any street within any residential district of the City, if such vehicle has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more, for any purpose other than making pickups or deliveries of persons, goods, wares and merchandise from or to any building or structure, located on such street or for any purpose other than delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such street for which a building permit has previously been obtained. A residential district of the City is any area of the City which is classified as residential under the provisions of the zoning regulations of this Code.

3-2.1007 - Stopping or Parking Prohibited. Signs Required.

The Director of Public Works may appropriately sign or mark or cause to be signed or marked any place where said Director determines that it is necessary in order to eliminate dangerous traffic hazards, and when so signed or marked, no person shall stop, stand or park a vehicle in any of said places.

3-2.1008 - Emergency s-Temporary No Parking Signs.

- (a) If the Director of Public Works determines 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 Director of Public Works shall have the 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 he/she shall direct during the time such temporary signs are in place. Such signs shall be erected or posted and inspected 24 hours in advance and remain in place only during the existence of such emergency, and said Director or designee shall verify that such signs are 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.

3-2.1009 - Parking Upon Traffic Counters Prohibited.

No vehicle shall be parked on or over any mechanical traffic counter or road tube used for the purpose of taking a traffic count when signs have been erected giving notice thereof.

3-2.1010 - Driving or Parking on Parks, Playgrounds and City Property.

- (a) No person shall drive or park any motor vehicle upon any public park, playground or other City property except on streets, alleys, thoroughfares or parking lots and areas provided for such purposes.

- (b) No person shall stop, stand or park a motor vehicle upon any public park, playground or other City property outside of the designated parking area(s). .
- (c) No person shall park a vehicle on that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

3-2.1011 - Parking on Private Property Without Consent Prohibited. (a) No person shall park a vehicle on private property without the direct or implied consent of the owner or person in lawful possession of such property.

(b) When public parking is prohibited or restricted on private property, the owner or person in lawful possession or their agent shall display in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting or restricting public parking, indicating that violators' vehicles may be removed at the vehicle owner's expense and that violators may be cited. The sign shall display the telephone number of the local law enforcement agency, the name and telephone number of the towing company and reference Vehicle Code Section 22658 ("CVC 22658").

(c) If an authorized sign is displayed in plain view at each entrance to the property and the owner or person in lawful possession of private property desires enforcement in addition to the issuance of a citation upon the request of the owner or person in lawful possession, the owner or person in lawful possession may request enforcement by the city as stated in the authorized sign. Any owner or person in lawful possession of private property located within the downtown business district that requests enforcement pursuant to this section must have a valid letter of authorization on file with the city.

3-2.1012 - Removal of Vehicles Parked on Private Property.

Any regularly employed and salaried officer of the Police Department of the City or a regularly employed and salaried Parking Enforcement Officer or the owner of any private property, or the person entitled to the possession thereof for the time being, or the authorized agent of either may remove or cause to be removed any vehicle that has been parked or left standing on any private property in violation of Section 3-2.1011 of this article.

3-2.1013 - Liability for Wrongful Removal of Vehicle.

If a vehicle removed from such private property was rightfully there, the person or persons who complained of the presence of such vehicle and/or the person or persons (other than employees of the City) who caused such vehicle to be removed shall be liable for any and all charges for towage and for caring for and keeping safe such vehicle.

3-2.1014 - Removal of Vehicle to Place of Safety.

Any person referred to in Section 3-2.1012 of this article who removes any vehicle from any private property in the City is hereby authorized to remove said vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the City.

3-2.1015 - Notice to Owner of Removed Vehicle.

Any person referred to in Section 3-2.1012 of this article who removes a vehicle from private property shall give notice to the owner of the vehicle as provided in Article 1, Chapter 10, and Division 11 of the Vehicle Code of the State of California.

3-2.1016 - Garage Keeper's Lien.

The keeper of any garage in which any vehicle is stored in accordance with the provisions of this article shall have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle, and may satisfy such lien upon compliance with and under the conditions stated in Article 1, Chapter 10, Division 11 of the Vehicle Code of the State of California.

3-2.1017 - Parking in Fire Lane.

No person shall park or leave standing any vehicle in a fire safety lane on private or public property when such lane has been required by the City of Modesto and has been designated by appropriate signs or markings.

Article 11. - Stopping for Loading or Unloading Only

3-2.1101 - Curb Markings to Indicate No Stopping and Parking Regulations.

- (a) The Director or Public Works is hereby authorized, subject to the provisions and limitations of this chapter, to place and when required herein shall cause to be placed, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as herein set forth:
- (1) Red shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code of the State of California and except that a bus may stop in a red zone marked or signed as a bus zone.
 - (2) Yellow shall mean no stopping, standing or parking at any such times of any day as are designated, for any purpose other than the 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 shall mean 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 at such times as are designated.
 - (4) Green shall mean no standing or parking for longer than twenty-four (24) minutes and such restrictions shall apply at all times unless otherwise specifically designated.
 - (5) Blue shall mean no stopping, standing or parking at any time, except that vehicles which display a disabled person's license plate or placard, or a disabled veteran's license plate or placard, as provided by the Vehicle Code of the State of California may stop, stand or park in the spaces so designated.
- (b) When the Director of Public Works r, as authorized under this chapter, has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb markings in violation of any of the provisions of this section.

3-2.1102 - Unauthorized Painting of Curbs.

No person other than the Director of Public Works shall be authorized to cause to be painted any curb surface unless granted permission to do so by the City.

3-2.1103 - Authority to Establish Zones.

The Director of Public Works is hereby authorized to determine and establish zones and time limits for the loading and unloading of motor vehicles in designated streets, or portions thereof, in the City, which regulations shall become effective with curb markings or when appropriate signs are placed giving notice of said regulations to the public. The zones authorized by this section shall include any or all of the following: loading zone, bus loading zone, freight loading zone and passenger loading zone.

3-2.1104 - Standing for Loading or Unloading Only.

When authorized signs or markings as prescribed by Section 3-2.1101 of this article are utilized giving notice thereof, no person shall stop, stand or park any vehicle in a loading zone for a purpose or for a period of time longer than three (3) minutes for loading or unloading passengers and twenty (20) minutes for loading and unloading materials, unless otherwise indicated by posted signs.

3-2.1105 - Stopping, Standing or Parking of Vehicles in Roadway.

No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the main-traveled portion of the street when it is practicable to stop, park or so leave such vehicle off such part or portion of said street but in every event an unobstructed width of the street opposite a standing vehicle shall be left for the free passage of other vehicles. This section shall not apply upon a street where the roadway is bounded by adjacent curbs.

This section shall not apply to the driver of any vehicle which is disabled in such manner and such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle on the main-traveled portion of a street.

Article 12. - Stopping, Standing or Parking Restricted or Prohibited on Certain Streets

3-2.1201 - Restriction or Prohibition of Parking.

Any other provisions of this chapter to the contrary notwithstanding, the Director of Public Works may authorize, restrict or prohibit the parking of motor vehicles in designated streets, or portions thereof, in the City if the general welfare and safety of the citizens so require it, which regulations shall become effective when appropriate signs or markings are in place giving notice of said regulations to the public.

3-2.1202 - Parking Time Limited.

When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle upon any street during the days and hours indicated on such signs for a period of time longer than so designated by said sign. Each period of over parking for more than the period stated on the time limit sign shall constitute a separate offense.

3-2.1203 - Parking Prohibited during Certain Times on Certain Streets.

When authorized signs are placed in each block giving notice of parking being prohibited, no person shall stop, stand or parked a vehicle between the hours of any day upon any paved street or part of a paved street as designated by said sign.

3-2.1204 - Parking Space Markings.

The Director of Public Works is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

When such parking space markings are placed in the street subject to other and more restrictive limitations, no vehicles shall be stopped, left standing or parked other than within a single space.

3-2.1205 - Vision Obstruction Parking Prohibited.

When authorized signs are in place giving notice thereof, no person shall park a vehicle which is six (6) feet or more in height (including any load thereon) on any street in the City within one hundred (100) feet of an intersection as that term is defined by the California Vehicle Code.

3-2.1206 - No Commercial or Passenger Vehicle Stopping, Parking, or Standing on Roadways.

No person shall stop, park, or let stand a commercial or passenger vehicle in the center-turn lane or in the middle of any public road or on any public street located within the city limits.

Article 13. - Truck Routes

3-2.1301 - Truck Routes.

- (a) Use of Truck Routes. It shall be unlawful for the operator of any moving van, dump truck, tank truck, used or designed for the purpose of transporting petroleum products, or any vehicle designed or used for the transportation of commodities or materials, which vehicle exceeds a maximum gross weight of six thousand (6,000) pounds, to operate or park said vehicle upon any street other than upon and over a truck route for any purpose other than to make a pickup or delivery, or to service or secure repairs to said vehicle. In traveling to or from the point of delivery, pickup, service to or repair of said vehicle, the operator of said vehicle shall drive as far as possible upon and over a truck route.
- (b) Towing. It shall be unlawful for the operator of any vehicle to tow or pull or push any other vehicle on any street of the City other than upon a truck route for any distance greater than is absolutely necessary.
- (c) Exemptions. Nothing herein shall be construed to prevent the driving and operating of fire apparatus upon any streets of the City nor shall this chapter, by its terms, prevent equipment owned by the City from being operated upon any of the streets of the City. Neither shall this chapter by its terms be construed to apply to the moving of houses, buildings, or structures upon and over the streets of the City. The provisions of this section shall not apply to:
 - (1) Passenger buses under the jurisdiction of the Public Utilities Commission; or
 - (2) Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.
- (d) Designation by Council. The Council is authorized to determine and designate truck routes by resolution, which designation shall become effective when appropriate signs are in place giving notice of said designations to the public.

3-2.1302 - Interstate Truck Routes.

- (a) Use of Interstate Truck Routes. It shall be unlawful for the operator of any vehicle or combination of vehicles authorized to operate in the State of California by Vehicle Code Section 35401.5 to operate said vehicle or combination of vehicles upon any street other than on an interstate truck route.
- (b) Designation of Interstate Truck Routes. The Council is authorized to designate interstate truck routes by resolution, which designation shall become effective when appropriate signs are in place giving notice of said designation to the public.
- (c) Procedure for Designation of Interstate Truck Routes. The procedure for obtaining designation of interstate truck routes shall be as follows:
 - (1) Application by individuals, firms or corporations for designation of routes to interstate truck terminals shall be made to the Director of Public Works. The application shall include the name and address of the applicant, the location of the terminal, the preferred route and alternates if appropriate, evidence that terminal parking and entries are adequate, and other considerations noted by the applicant that need to be resolved. The application shall be accompanied by a nonrefundable application fee to be established from time to time by resolution.
 - (2) The Director of Public Works shall cause an investigation to be made of the proposed route to include traffic safety considerations, adequacy of street surfaces and geometrics, approval or disapproval of the California Department of Transportation, an estimate of the cost of establishing the route, and other considerations as appropriate.
 - (3) If the Director of Public Works determines, upon completion of the investigation, that the proposed route is acceptable, he/she shall recommend to the Council that the route be adopted. If the Council denies the application, its action shall be final.
 - (4) If the Council adopts the route, the applicant shall have thirty (30) days in which to deposit the estimated cost for establishing the route with the Finance Director.
 - (5) If a route is adopted, within thirty (30) days after completion of the route the City shall make an accounting and any overpayment will be returned to the applicant. If the deposit was insufficient to cover cost for establishing the route, the applicant shall pay the additional cost within thirty (30) days after being billed therefore.
 - (6) If the Director of Public Works determines, upon completion of the investigation, that the route is not acceptable, he/she shall notify the applicant that the application is denied, noting the reasons for the denial.
 - (7) If the Director of Public Works denies an application, the applicant may appeal the denial to the Council in accordance with the provisions of Chapter 4 of Title 1 of this Code.
 - (8) If the Council grants the appeal, the establishment of the route shall be in accordance with the procedures specified in subsections (c) (4) and (5) of this section.

- (9) Termination of Interstate Truck Routes. The Council may, in its sole discretion, terminate interstate truck route designations or designate alternate routes.

Article 14. - Special Speed Zones

3-2.1401 - Change in Speed Limits Set by State Law.

Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

| NAME OF STREET OR PORTION AFFECTED | DECLARED PRIMA FACIE SPEED LIMIT |
|---|----------------------------------|
| ALICE STREET, between Sycamore Avenue and McHenry Avenue | 25 miles per hour |
| BLUE GUM AVENUE, between Carpenter Road and Culpepper Avenue | 25 miles per hour |
| BOWEN AVENUE, between Tully Road and McHenry Avenue | 25 miles per hour |
| BRIGGSMORE AVENUE, between Sisk Road and Prescott Road | 30 miles per hour |
| CARPENTER ROAD, between Blue Gum Avenue and Orangeburg Avenue | 30 miles per hour |
| CARPENTER ROAD, between the Tuolumne River and Robertson Road | 35 miles per hour |
| CENTER STREET, between Rosedale Avenue and Calaveras Avenue | 25 miles per hour |
| CONANT AVENUE, between Sisk Road and Rumble Road | 25 miles per hour |
| CONANT AVENUE, between Standiford Avenue and Veneman Avenue | 25 miles per hour |
| CROWS LANDING, between 7th Street and Blankenburg Avenue | 35 miles per hour |
| CROWS LANDING, between School Avenue and Imperial Avenue | 35 miles per hour |
| CROWS LANDING, between Imperial Avenue and Whitmore | 45 miles per hour |
| DEL VALE AVENUE, between Del Vista Avenue and Glenwood Drive | 25 miles per hour |

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|---|-------------------|
| EICHER AVENUE, between Conant Avenue and Goldie Avenue | 25 miles per hour |
| EMERALD AVENUE, between Maze Boulevard and Kansas Avenue | 25 miles per hour |
| ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue | 25 miles per hour |
| ENSLEN AVENUE, between Granger Avenue and Orangeburg Avenue | 25 miles per hour |
| FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue | 25 miles per hour |
| FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road | 25 miles per hour |
| GRAPE AVENUE, between Pearl Street and Evergreen Avenue | 25 miles per hour |
| GRISWOLD AVENUE, between Virginia Avenue and McHenry Avenue | 25 miles per hour |
| HADDON AVENUE, between La Loma Avenue and Conejo Avenue | 25 miles per hour |
| JEFFERSON STREET, between Paradise Road and 8th Street | 25 miles per hour |
| K STREET, between Washington Street and 9th Street | 25 miles per hour |
| KEARNEY AVENUE, between Glenwood Drive and Coldwell Drive | 25 miles per hour |
| KELLER STREET, between Sylvan Avenue and Rumble Road | 25 miles per hour |
| LEGION PARK ROAD, between Santa Cruz Avenue and Tioga Drive | 25 miles per hour |
| LEVELAND LANE, between College Avenue and TSRR tracks | 25 miles per hour |
| LINCOLN OAK DRIVE, between Merle Avenue and Floyd Avenue | 25 miles per hour |
| LUCERN AVENUE, between Johnson Street and Coffee Road | 25 miles per hour |
| MADISON STREET, between Paradise Avenue and Laurel Avenue | 25 miles per hour |
| MORTON BOULEVARD, between 9th Street and Downey Avenue | 25 miles per hour |

| | |
|--|-------------------|
| NEECE DRIVE, between Rouse Avenue and Sunset Avenue | 25 miles per hour |
| NORTH MARTIN LUTHER KING DRIVE, between Maze Boulevard and Laurel Avenue | 25 miles per hour |
| PEARL STREET, between Carver Road and Dougfir Drive | 25 miles per hour |
| PRINCETON AVENUE, between Tully Road and College Avenue | 25 miles per hour |
| RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue | 35 miles per hour |
| ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue | 25 miles per hour |
| SHARON WAY, between Budd Street and Prescott Road | 25 miles per hour |
| SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue | 25 miles per hour |
| SNYDER AVENUE, between Blue Bird Drive and Dale Road | 25 miles per hour |
| STODDARD AVENUE, between McHenry Avenue and Virginia Avenue | 25 miles per hour |
| SURREY AVENUE, between Oakdale Road and Eastridge Drive | 25 miles per hour |
| TIOGA DRIVE, between Conejo Avenue and Legion Park Drive | 25 miles per hour |
| VENEMAN AVENUE NORTH, between Snyder Avenue and Regency Park Drive | 25 miles per hour |
| WESTERN WAY, between Sutter Avenue and Roselawn Avenue | 25 miles per hour |
| WINMOORE WAY, between Crows Landing Road and Jim Way | 25 miles per hour |
| WRIGHT STREET, between Sycamore Avenue and McHenry Avenue | 25 miles per hour |
| WYLIE DRIVE, between Rose Avenue and Oakdale Road | 25 miles per hour |
| 7TH STREET, between Sierra Drive and B Street | 25 miles per hour |
| 9TH STREET, between 400 feet north of Tully Road and P Street | 35 miles per hour |

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| 9TH STREET, on the Tuolumne River Bridge | 40 miles per hour |
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3-2.1401.1 - Change in Speed Limits Set by State Law: For Purpose of Enforcement Using Radar or Other Electronic Device.

By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

| NAME OF STREET OR PORTION AFFECTED | DECLARED PRIMA FACIE SPEED LIMIT | DATE SURVEYED |
|--|----------------------------------|--------------------|
| BRIGGSMORE AVENUE, between Coffee Road and Oakdale Road | 50 miles per hour | August 7, 2018 |
| BRIGGSMORE AVENUE, between McHenry Avenue and Coffee Road | 45 miles per hour | August 7, 2018 |
| BRIGGSMORE AVENUE, between Oakdale Road and Claus Road *ES10 | 50 miles per hour | December 22, 2011 |
| BRIGGSMORE AVENUE, between Prescott Road and Tully Road *ES10 | 45 miles per hour | February 3, 2015 |
| BRIGGSMORE AVENUE, between Tully Road and McHenry Avenue | 45 miles per hour | August 7, 2018 |
| BRIGHTON AVENUE, between Coffee Road and Locke Road *ES10 | 30 miles per hour | May 8, 2013 |
| CALIFORNIA AVENUE, between Carpenter Road and Martin Luther King Drive *ES10 | 30 miles per hour | January 17, 2013 |
| CELESTE DRIVE, between Coffee Road and Oakdale Road *ES10 | 30 miles per hour | May 8, 2013 |
| CLARATINA AVENUE, between Coffee Road and Oakdale Road | 55 miles per hour | August 6, 2018 |
| COFFEE ROAD, between Claratina Avenue and Sylvan Avenue | 40 miles per hour | August 6, 2018 |
| COLLEGE AVENUE, between Bowen Avenue and Princeton Avenue *ES10 | 35 miles per hour | September 29, 2015 |
| COLLEGE AVENUE, between Princeton Avenue and Needham Avenue *ES10 | 25 miles per hour | September 29, 2015 |
| CROWS LANDING ROAD, between 7th Street and Hatch Road *ES10 | 35 miles per hour | May 8, 2013 |

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|---|-------------------|--------------------|
| EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard | 35 miles per hour | August 8, 2018 |
| FINE AVENUE, between Hillglen Avenue and Merle Avenue *ES10 | 30 miles per hour | May 8, 2013 |
| FLOYD AVENUE, between Roselle Avenue and Claus Road | 40 miles per hour | August 6, 2018 |
| G STREET, between 9th Street and 17th Street | 25 miles per hour | August 7, 2018 |
| JEFFERSON STREET, between Maze Boulevard and Paradise Road *ES10 | 25 miles per hour | March 25, 2015 |
| KANSAS AVENUE, between Morse Road and Rosemore Avenue *ES10 | 40 miles per hour | March 30, 2015 |
| KODIAK DRIVE, between La Force Drive and Roselle Avenue *ES10 | 30 miles per hour | May 8, 2013 |
| MCCLURE ROAD, between Dry Creek Drive and Yosemite Ave *ES10 | 30 miles per hour | January 13, 2013 |
| MILLBROOK AVENUE, between Sylvan Avenue and Floyd Avenue *ES10 | 25 miles per hour | January 10, 2013 |
| OAKDALE ROAD, between Floyd Ave and Briggsmore Avenue *ES10 | 40 miles per hour | February 3, 2015 |
| ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue | 35 miles per hour | September 7, 2018 |
| PRESCOTT ROAD, between Snyder Avenue and Standiford Avenue | 35 miles per hour | September 28, 2018 |
| PRESCOTT ROAD, between Standiford Avenue and Rumble Road | 35 miles per hour | September 28, 2018 |
| PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue *ES10 | 35 miles per hour | May 17, 2007 |
| RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard *ES10 | 30 miles per hour | February 3, 2015 |
| ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue | 30 miles per hour | September 28, 2018 |
| ROSE AVENUE, between Briggsmore Avenue and Scenic Drive | 30 miles per hour | September 28, 2018 |
| ROSELLE AVENUE, between Sylvan Avenue and Floyd Avenue *ES10 | 40 miles per hour | April 21, 2015 |
| ROSELLE AVENUE, between Floyd Ave and Briggsmore Avenue *ES10 | 40 miles per hour | February 3, 2015 |

| | | |
|--|-------------------|--------------------|
| ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue | 30 miles per hour | September 28, 2018 |
| RUMBLE ROAD, between Sisk Road and Conant Avenue | 30 miles per hour | August 7, 2018 |
| RUMBLE ROAD, between McHenry Avenue and Coffee Road *ES10 | 30 miles per hour | April 21, 2015 |
| SCENIC DRIVE, between Coffee Road and Oakdale Road | 40 miles per hour | August 7, 2018 |
| SCENIC DRIVE, between Lakewood Avenue and Lillian Drive | 40 miles per hour | August 6, 2018 |
| SCENIC DRIVE, between Lillian Drive and Claus Road | 40 miles per hour | August 6, 2018 |
| SNYDER AVENUE, between Dale Road and Prescott Road *ES10 | 30 miles per hour | March 25, 2015 |
| SNYDER AVENUE, between Prescott Road and Tully Road *ES10 | 30 miles per hour | April 21, 2015 |
| SYLVAN AVENUE, between Oakdale Road and Roselle Avenue | 45 miles per hour | August 6, 2018 |
| SYLVAN AVENUE, between Roselle Avenue and Claus Road *ES10 | 45 miles per hour | January 8, 2015 |
| TULLY ROAD, between Bangs Avenue and Standiford Avenue | 45 miles per hour | August 6, 2018 |
| TULLY ROAD, between Standiford Avenue and Briggsmore Avenue | 35 miles per hour | August 6, 2018 |
| TULLY ROAD, between Briggsmore Avenue and Coldwell Avenue | 35 miles per hour | August 6, 2018 |
| UNION AVENUE, between Tully Road and McHenry Avenue | 30 miles per hour | August 7, 2018 |
| VENEMAN AVENUE, between Dale Road and Regency Park Drive | 30 miles per hour | August 7, 2018 |
| WOODLAND AVENUE, between Carpenter Road and 9th Street *ES10 | 30 miles per hour | March 25, 2015 |
| WOODROW AVENUE, between Tully Road and McHenry Ave *ES10 | 30 miles per hour | March 25, 2015 |
| 6TH STREET, between M Street and Sierra Drive *ES10 | 30 miles per hour | February 26, 2015 |
| 7TH STREET BRIDGE, between B Street and River Road | 25 miles per hour | August 7, 2018 |

*EXTEND SURVEY (ES) 5, 7, 10 years per State of California Department of Transportation, Traffic Operations Policy Directive 09-04.

3-2.1402 - Regulation of Speed by Traffic Signals.

The Director of Public Works is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and may erect appropriate signs giving notice thereof.

Article 15. - Parking Meters

3-2.1501 - Establishment of Parking Meter Zones.

The Council from time to time may establish and designate parking meter zones as parking conditions require. The time limitations for legal parking in parking meter zones shall be those established by the Director of Public Works based on engineering surveys, and the time limitations shall be indicated by appropriate signs posted in such zones.

The locations and boundaries of the various zones are as shown on that certain map being marked and designated a "Parking Meter Zoning Map, City of Modesto," attached hereto. Said map and all notations, references and other information shown thereon are hereby made a part of this chapter.

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- (a) Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along or adjacent to a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley or block, or such property line, shall be construed to be the boundary of such zone.
- (b) Where the zone lines are shown adjacent to the street property line, the zone boundary shall be construed to be the street property line.
- (c) Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
- (d) Where the application of the above rules does not clarify the zone boundary location, the Council shall interpret the map.

Said Parking Meter Zoning Map may, for convenience, be divided into individual section maps for the purpose of more readily identifying the territory included within each parking meter zone. Said Parking Meter Zoning Map is hereby adopted and approved as the official Parking Meter Zoning Map of the City of Modesto.

Changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit of said Parking Meter Zoning Map, which said amended map or section or unit, when so adopted, shall be published in the manner prescribed by law and become a part of this chapter.

3-2.1502 - Installation of Meters.

The Public Works Director shall install parking meters in the parking meter zones established by the Council in such numbers and at such places as in his/her judgment may be necessary for the regulation, control, and inspection of the parking of vehicles therein.

3-2.1503 - Method of Parking.

The Public Works Director shall cause lines or markings to be painted or placed upon the pavement adjacent to each parking meter designating the parking space for which said meter is to be used, and each vehicle parked adjacent or next to any parking meter shall park within the lines or markings so established. It shall be unlawful for any person to back into a parking space when signs are erected giving notice thereof.

3-2.1504 - Time Limits and Rates of Fees.

- (a) It shall be unlawful for any person to permit any vehicle registered in his/her name or operated or controlled by him/her to be parked in any parking space in the parking meter zone for more than the time indicated by proper signs placed on the parking meter or zone indicating the maximum parking time allowed in such parking space. Each period of overparking for more than the period stated on the parking meter or time limit sign shall constitute a separate offense.
- (b) It shall be unlawful for any person to permit any vehicle registered in his/her name or operated or controlled by him/her to be parked in any parking space controlled by a parking meter at any time during which the meter is displaying a signal indicating that the space is illegally in use, except during the time necessary to set the meter to show legal parking. Each period of overparking while the meter is displaying said signal for more than the period stated on the parking meter or time limit sign constitutes a separate offense.
- (c) The time limits for the parking of vehicles in parking meter zones shall be established by the Public Works Director based upon engineering surveys. The rate of fees for such parking shall be one cent (\$0.01) per twelve (12) minutes or fraction thereof.

3-2.1505 - Coins Usable in Meters.

A sign or legend shall be placed on each parking meter, or in each zone in adequate numbers, to enable parkers to readily determine the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and a limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

3-2.1506 - Depositing Coins.

When any vehicle shall be parked in any space alongside of or next to which a parking meter is located in accordance with the provisions of this article, the operator of said vehicle upon so parking shall, and it shall be unlawful to fail to deposit immediately, a coin of the appropriate denomination indicated on the legend posted in the zone or on the parking meter.

3-2.1507 - Use of Substitute Coins Unlawful.

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or substitute for any coin required for the normal operation thereof.

3-2.1508 - Tampering With or Impairing Meter Unlawful.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed pursuant to this article.

3-2.1509 - Enforcement.

Every Parking Enforcement Officer and Police Officer shall be authorized to take the number of any space or meter at which any vehicle is parked in violation of this Code, as provided in this article, the State vehicle license plate number of such vehicle, the time and date of such violation, the Modesto Municipal Code section(s) and/or Vehicle Code section(s) that have been violated, the make of such vehicle, the last four digits of the vehicle identification number if that number is visible through the windshield, and issue in writing or electronically printed, and attach to such vehicle a citation for illegal parking in the same form and subject to the same procedure provided for by laws of the State of California applicable to the traffic violations within the City.

Any operator or owner of a vehicle to whom a citation has been issued may, within twenty-one (21) calendar days from the date of the issuance of said citation, mail by first class mail, postage prepaid, to the address designated on the back of the citation, the proper fine amount as shown on the face of the citation, which fine schedule shall have been adopted or amended from time to time by Resolution of the City Council. The failure of such owner or operator to make such payment within said twenty-one (21) calendar days from the date of citation issuance shall render such owner or operator subject to additional penalties provided for in this Code for violation of the provisions of this article.

3-2.1510 - Exemption of City Vehicles.

Vehicles owned or operated by the City shall be exempted from the provisions of this article when said vehicles are being used in line of duty.

3-2.1510.1 - Exemption of Other Vehicles.

The City Manager may exempt from the provisions of this article vehicles which are being used or operated for or on behalf of the City.

3-2.1511 - Parking of Commercial Trucks in Metered Zones.

Commercial trucks may park only in parking zone PM-1. When so parked to load or unload merchandise they are exempt from depositing coins for a period of not to exceed fifteen (15) minutes.

3-2.1512 - Rule of Evidence.

The parking or standing of any motor vehicle in a parking space at which space the parking meter displays the sign or signal indicating the illegal parking shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in said space for a period longer than permitted by this chapter.

Article 16. - Establishment of Regulations and Use of Public Off-Street Parking Facilities

3-2.1601 - Establishment.

The City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council. There shall be four (4) types of facilities:

- (a) Parking meter lots;
- (b) Parking attendant lots;

- (c) Parking ticket lots;
- (d) Free parking lots.

3-2.1602 - Time of Operation.

The hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, which regulations shall be effective when so designated by appropriate markings or signs posted on said facilities.

3-2.1603 - Rates of Fees.

The rates for use of off-street parking facilities shall be established from time to time by resolution of the Council, which regulations shall be effective when so designated by appropriate markings or signs posted on said facilities.

3-2.1604 - Validation.

Tickets for vehicles parked on parking attendant lots during the time that attendant parking is in effect may be validated by means of validation stamps affixed to such tickets. Such stamps shall be sold in advance. Each validation stamp affixed to the parking ticket shall be good for parking for one (1) hour or fraction thereof without additional charge. The price for purchase of validation stamps for use on parking attendant lots shall be established from time to time by resolution of the Council.

3-2.1605 - Obedience to Signs Posted.

(a) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name, or operated or controlled by him, to be parked in any off-street parking facility without paying the rate for the use of said lot as established from time to time by resolution of the Council and designated by appropriate markings or signs posted on said lot.

(b) When authorized signs have been placed giving notice thereof, no person shall stop, stand or park any vehicle for a period of time longer than specified on such signs in any off-street parking facility open for public use.

(c) When authorized signs have been placed giving notice thereof, no person shall, stand or park any vehicle in a parking space that is reserved for a specific use on any parking facility open to the public.

3-2.1606 - Operational Procedure for Municipal Off-Street Parking Meter Lots.

The provisions and procedures specified in Article 15 of Chapter 2 of Title 3 of this Code shall govern the operation and use of municipal off-street parking meter parking lots.

3-2.1607 - Reserved Parking on Off-Street Parking Lots.

The Director of Public Works is hereby authorized to reserve and identify, by appropriate markings or signs which indicate the specified use, types of vehicles, location and time limits, such parking spaces as are necessary for any use on any off-street parking facility owned or operated by the City of Modesto, including designation of spaces to be used only by disabled persons and disabled veterans and use by any unauthorized vehicle shall be unlawful.

3-2.1608 - Parking in Designated Spaces.

Where lines or other markings are used to designate parking spaces on an off-street parking facility subject to other more restrictive limitations, no vehicle shall be stopped, left standing or parked on such facility other than within a single marked space.

Article 17. - Temporary Use of Sidewalks, Streets and On-Street and Off-Street Parking Spaces

3-2.1701 - Permits: Authority and Fees.

The Director of Public Works or authorized designee, is hereby authorized to grant permits for the temporary use of the following public facilities:

- (a) Temporary closing of City streets;
- (b) Temporary use of City sidewalk areas; and
- (c) Temporary use of on-street parking and/or off-street spaces

Before granting a permit for the temporary use of closing a City street as provided in subsection (a) of this section, the Director of Public Works shall obtain the recommendation of the Traffic Engineer.

Every person who seeks to obtain the above-described permit shall pay to the Finance Department an application fee in an amount as established from time to time by resolution of the City Council to cover the costs of processing the permit application.

3-2.1702 - Applications to Council.

Applications made to the Council for the temporary use of on-street or off-street parking spaces, use of sidewalk areas, or the temporary closing of City streets shall be referred by the City Clerk to the Director of Public Works for handling.

3-2.1703 - Conditions for Issuance of Permits.

The Director of Public Works or authorized designee shall issue a permit therefor pursuant to the provisions of this article if he finds from a consideration of the application and such other information as he may otherwise obtain or have knowledge of that:

- (a) The granting of the request will not substantially interrupt the safe, orderly movement of vehicular traffic on the public streets or pedestrian traffic on the sidewalk areas.
- (b) The granting of the request will not unduly interfere with the furnishing of proper fire and police protection.
- (c) The granting of the permit is not reasonably likely to cause injury to persons or property.
- (d) If the request is for parking spaces or sidewalk area, that the use of said parking spaces or sidewalk area requested is not related to a profit-making activity or enterprise.
- (e) If he finds that the granting of the permit is in the public interest.

This section shall not prohibit the Chief of Police from allowing the use of parking spaces by contractors for the parking of their vehicles, or the elimination of parking, if either is necessary for building repairs or construction.

The Director of Public Works shall have the authority to place such reasonable conditions or restrictions on the permit as he may deem necessary to protect the public interest, including a requirement in the permit that the permittee furnish the City with public liability and property damage insurance, if he finds such to be in the public interest.

3-2.1704 - Exception.

In the event the Director of Public Works is of the opinion that action on the request should more appropriately be taken by the Council, he shall refer the matter to the City Clerk for placement on the Council agenda for the next regular Council meeting.

3-2.1705 - Permits: Provisions.

Any permit granted pursuant to this article shall contain the following provisions, which, by acceptance of the permit, the permittee faithfully agrees to perform:

- (a) The permittee, its successors and assigns, during the term of the permit, shall indemnify and save the City harmless of and from all damages, costs and charges of any kind or character arising out of or relating thereto, or in any way connected with the exercise of the rights granted by the permit.
- (b) The permittee, its successors and assigns, shall comply with all laws of the City.
- (c) The permittee, its successors and assigns, at its own cost and expense, shall defend any and all law suits, if any, arising out of or in any way connected with the exercise of the rights granted by the permit.

The permittee shall be required to sign a copy of the permit, which shall be maintained on file with the Finance Department; and no right shall be conferred by any permit authorized under this article until said written consent is executed by the permittee.

Article 18. - Regulation of Cruising

3-2.1801 - Cruising Prohibited.

No person shall engage in the activity known as "cruising" as defined in this article, on the public streets, alleys, or highways of the City of Modesto in any area which has been posted as a no-cruising zone.

3-2.1802 - Definitions.

- (a) Cruising. For the purposes of this article, "cruising" shall be defined as the repetitive driving of any motor vehicle past a traffic-control point in traffic which is congested at or near the traffic control point.
- (b) Congested Traffic. For purposes of this article, "congested traffic" means traffic on any public street, alley or highway which is delayed to the point that:
 - (1) Motor vehicles cannot move through a one hundred (100) yard approach corridor to an intersection controlled by a traffic light within two (2) complete green light cycles where the delay in forward movement is due to the position of other motor vehicles; or

- (2) Motor vehicles cannot move through a one hundred (100) yard approach corridor to an intersection controlled by a traffic light, stop sign or yield sign within a five (5) minute period of time where the delay in forward movement is due to the position of other motor vehicles; or
- (3) Motor vehicles cannot readily move forward on portions of public streets, alleys or highways between intersections because traffic speed is slowed to less than five (5) miles per hour, and the delay in movement is due to the position of other motor vehicles.

The determination that a street, alley or highway is congested shall be made by the ranking peace officer on duty within the affected area.

- (c) Green Light Cycle. For purposes of this article, a "green light cycle" shall mean the period commencing upon the switching of a traffic light from a red light to a green light through to the return of a red light.
- (d) Traffic-Control Point. For purposes of this article, "traffic-control point" shall mean a location along a public street, alley or highway utilized by a peace officer on duty within the affected area as an observation point in order to monitor traffic conditions for potential violations of this article.

3-2.1803 - Warning Against Cruising.

A peace officer may issue a written notice to any person operating or occupying any motor vehicle passing a traffic-control point stating that any subsequent passage past that traffic-control point within the next succeeding four (4) hours will be a violation of this article.

3-2.1804 - Violation of this Article.

Any person who, after having received a written notice as described in Section 3-2.1803, subsequently drives past or is a passenger in a vehicle passing the same traffic-control point within the next succeeding four (4) hours shall be in violation of this article.

3-2.1805 - Posting of Signs.

This article may be enforced in any area which has been posted as a "no-cruising zone." No cruising signs shall be posted at the beginning and end of any public street, alley or highway or portion thereof which is a no-cruising zone. The signs shall reference California Vehicle Code Section 21100(k) and this article. The City Manager is hereby authorized to designate no-cruising zones in which it is found that conditions of congested traffic exist.

3-2.1806 - Penalty for Violations.

Violation of this article is an infraction. The minimum penalty for a first conviction of cruising is a one hundred dollar (\$100.00) fine; for a second conviction within one (1) year, the minimum penalty is a two hundred dollar (\$200.00) fine; for a third or subsequent conviction within one (1) year, the minimum penalty is a two hundred fifty dollar (\$250.00) fine.

3-2.1807 - Severability.

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this article which can be given effect without

the invalid provisions or application; and, to this end, the provisions of this article are hereby declared to be severable.

ARTICLE 19. - RESIDENTIAL PARKING PERMIT ZONES^{uu}

Footnotes:

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3-2.1900 - Legislative Purpose.

The residential parking requirements established in this chapter are intended to regulate and manage traffic and parking circulation in response to the adverse effects caused in certain areas and neighborhoods of Modesto by motor vehicle congestion, particularly the long-term parking of non-residence by limiting on- street parking availability in a manner that facilitates the ability of residents with residential parking permits to park in close proximity to their residence and promotes sufficient parking availability in a particular area when and where needed. A system of residential parking will serve to promote the safety, health and welfare of all the residents of Modesto by reducing a number of strains on residents of the City. For the reasons set forth in this chapter and pursuant to the authority of Vehicle Code Section 22507, a system of residential parking is enacted for the City.

3-2.1901 - Procedure for Designating Residential Parking Permit Zone.

Upon the receipt and verification of the petition prescribed by the City containing the valid signatures and phone numbers of at least sixty-seven (67) percent of the residents and/or owners of real property in a specific residential area proposed for designation, the City Engineer shall direct surveys or studies necessary to determine whether a residential area is suitable as a residential parking permit zone. Council shall conduct a public hearing to consider whether that residential area should be designated as a residential parking permit zone. Upon a finding by Council that the area proposed for designation has unique residential parking problems, due to the nature, location, frequency or duration of activities or events causing such problems, that outweigh the needs of the general public for access to the area and its facilities, the Council may by resolution establish a residential parking permit zone for said residential area in accordance with the provisions of this article. Such resolution shall state the findings of necessity for the zone designation, the boundaries of the residential parking permit zone, the applicable time limitations, the day or days of restriction, and such other conditions as Council deems necessary and in the public interest. Persons occupying residences on streets within a residential parking permit zone shall be exempt from the general restrictions of parking. Such exemptions shall be evidenced by issuance of a valid parking permit displayed in the manner indicated at the time of issuance.

Council shall not consider permit zone establishment for a particular residential area more frequently than once each year.

3-2.1902 - Definitions of Words and Phrases.

The words and phrases used in this article shall have the meanings respectively ascribed to them in this section.

- (a) "Vehicle" means an automobile, truck, motorcycle, or other motor-driven form of transportation, not in excess of ten thousand (10,000) pounds gross weight.

- (b) "Owner" means a natural person over the age of sixteen (16) years who has at least a one-quarter ownership interest in a parcel of real property within a residential permit parking zone designated pursuant to this article.
- (c) "Resident" means a person over the age of sixteen (16) years who lives in a residential permit parking zone as his or her permanent place of residence, either as a tenant or as owner.
- (d) "Residential area" means a contiguous area, containing public streets or highways or parts thereof, in which residents dwell and which have been zoned by the City of Modesto as R-1, R-2, or R-3.
- (e) "Resident parking permit" means any permit issued to a resident of a legal dwelling unit located in a residential parking permit area, who owns a motor vehicle, registered to an address within the zone, for the purpose of parking in a residential permit parking area pursuant to this article.
- (f) "Guest parking permit" means a person who is a guest visiting residents in a dwelling unit located in a residential permit parking area and is displaying a Guest Parking Permit pursuant to this article.
- (g) "Business owner" shall mean the owner of a business located adjacent to a street or portion of street within a residential permit zone and such owner's agent.
- (h) "Residential permit parking zone" means a residential area as designated in this article in which a motor vehicle issued a valid permit pursuant to this chapter shall be exempt from the parking restrictions herein established.
- (i) "Annexation" means adding additional block-face to an existing residential permit parking area.
- (j) "Block-face" means one side of a city block between two intersections.
- (k) Whenever any words or phrases used in this article are not defined in this section, but are now or hereafter defined in the Vehicle Code of the State of California, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used in this article as though set forth in full.

3-2.1903 - Posting of Residential Permit Parking Zone.

Upon the adoption of a resolution by the Council designating a residential permit parking zone and appropriate parking time restrictions, the City Manager shall order appropriate traffic control devices, including but not necessarily limited to signs to be erected in such areas indicating prominently thereon the parking limitations, periods of the day for its application, and the fact that vehicles issued and displaying a valid permit in the manner indicated at the time of issuance shall be exempt.

3-2.1904 - Violations.

- (a) It is unlawful and a violation of this section, unless expressly provided to the contrary herein, for any person to stand or park a vehicle on a street within a residential permit parking zone when posted by signs giving notice thereof and erected pursuant to this article, without a valid resident parking permit for that zone properly displayed in the

manner indicated at the time of issuance. The fine for each such violation is the amount established by resolution.

- (b) It is unlawful and a violation of this section for a person falsely to represent himself or herself as eligible for a resident parking permit or a guest permit or to furnish false information in an application for any such permits.
- (c) It is unlawful and a violation of this section for any person to use or display, or permit the use or display of, a resident parking permit or a guest permit pertaining thereto on a vehicle other than that vehicle for which such permit was issued and duly authorized and its purpose. The fine for such violation is the amount established by resolution.
- (d) It is unlawful and a violation of this section for any person to sell, transfer, or convey, or to offer to sell, transfer, or convey, any parking permit issued pursuant to this article, whether for money or other consideration or without money or consideration. Any such violation shall subject the violator(s) by revocation of the residential permit(s) and possible denial of a permit(s) at the next renewal cycle for that permit area.
- (e) It is unlawful and a violation of this section for any person to alter, copy, produce or otherwise create a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a residential area. Any such violation is subject to a civil penalty as specified in the resolution adopted by the City Council pursuant to this section.

3-2.1905 - Exemptions.

- (a) Any vehicle on which is properly displayed in the manner indicated at the time of issuance a valid resident parking permit, a business, or guest permit, pertaining thereto, as provided for herein, may be parked on a street within the residential permit parking zone without limitation of the day or time restrictions established by the Council under Section 3-2.1900. Such parking permit shall not guarantee or reserve the holder thereof an on-street parking space on a street in such residential permit parking zone or exempt the vehicle from any other applicable restrictions, ordinances, or State and local laws.
- (b) Any clearly marked commercial vehicles with commercial license plates parked for the purpose of commercial or residential maintenance or while making a pickup or delivery of goods, wares or merchandise from or to any building or structure located within a residential permit parking zone.
- (c) Any authorized emergency vehicle as defined in California Vehicle Code Section 165 during conduct of official business if such vehicles are identified as such by an official seal or logo.
- (d) Any vehicle where the operator or the passenger being transported by said vehicle displays a valid disabled placard or said vehicle has been issued disabled license plates meeting the requirements of Vehicle Code Section 22511.5.

3-2.1906 - Issuance and Duration of Permits.

Residential parking permits shall be issued to vehicles registered to residents at a residential address within the zone, but the actual number of permits will be based on the City's survey findings. The resident will be required to complete an application listing each motor vehicle. The resident will be required to prove ownership or control of each of the vehicles for which an annual permit is issued. Each permit issued by the City shall be valid

for a maximum of one (1) year. The requirements governing the manner in which persons qualify for vehicle parking permits shall be established by the City Manager designee and includes current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the residents that is located within the permit zone. Residents may also purchase guest permits when approved by resolution in accordance with the policy set by City Council.

3-2.1907 - Display of Permits.

- (a) All parking permits shall be properly displayed in the manner indicated at the time of issuance by the program designee when parked in the residential parking permit zone for which it was issued.
- (b) Each vehicle issued a parking permit shall be parked in a manner that conforms to all other parking and vehicle regulations and laws established by this Code and by the California Vehicle Code.
- (c) A valid parking permit issued under this chapter shall not guarantee or reserve to the holder on-street parking space on any street or portion of street within the permit parking area for which the permit was issued.

3-2.1908 - Fees.

The Council may establish, by resolution, fees for the issuance of residential parking permits, business and guest permits, failure to properly display parking permit dismissal fee in lieu of the fine, and a fee for the replacement of lost, damaged, or destroyed permits. There shall be no refund for or setoff of any unused portion of any permit.

3-2.1909 - Termination of Permits.

Permits shall terminate upon any of the following events:

- (a) The transfer or sale of the vehicle for which a permit has been issued.
- (b) The relocation of the permittee from his or her residence within a residential parking area to another residence, whether within or outside said zone.
- (c) Upon expiration of the time period for which a permit has been issued.

3-2.1910 - Regulations.

Administration of residential permit parking zones, including but not limited to the issuance of permits, collection of fees or fines, physical changes to traffic control devices, or changes to days or hours of restrictions shall be administered in accordance with regulations promulgated from time to time by the City Manager designee.

3-2.1911 - Disestablishment Procedure for Rescinding or Modifying Residential Parking Permit Zone.

Upon the filing with the City Clerk of a verified petition containing the valid signatures of at least fifty-one (51) percent of the residents and/or owners of real property in a specific residential area or upon the written request of the chief executive officer of a major employer, agency, or institution adjacent to the residential permit parking zone, Council shall conduct a public hearing to consider whether that area should totally or partially cease to be designated as a residential parking permit zone. Upon a finding by Council that a majority of the owners and/or residents no longer wish to participate in the permit parking zone or desire revision of its conditions or that a major employer or institution adjacent to a

permit parking zone suffers significant detrimental impacts resulting from the permit parking zone which outweigh residents' interests, Council may by resolution terminate, modify or disestablish the permit parking zone. Such resolution shall state the effective date of termination of the permit parking zone or of partial termination or of the revised conditions. Not more than one (1) reconsideration or disestablishment hearing per zone shall be held annually unless five (5) members of the Council vote to reconsider a particular matter at a lesser interval.

3-2.1912 - Termination.

Nothing in this section is intended to limit the City's ability at any time to recommend on its own initiative for public hearing and approval by the Council to modify or to terminate one (1) or more of the residential parking permit zones then in existence.

Article 20. - Oversized Vehicle and Trailer Parking

3-2.2001 - Findings

The City Council finds as follows:

- (a) Parking recreational vehicles and trailers on residential streets interferes with the normal flow of vehicle traffic, parking affects the safety of drivers using such streets, and creates visual obstacles for motorists and pedestrians.
- (b) Current parking regulations are inadequate to address the problem of parking oversized vehicles and trailers on residential streets.
- (c) Persons owning oversized vehicles and trailers should have the opportunity to have limited use of residential streets for short periods of time.
- (d) It is in the public interest to adopt parking regulations that will help alleviate safety and parking concerns regarding oversized vehicles or trailers while also allowing oversized vehicle or trailer owners to use residential streets for a limited time and basis.

3-2.2002 - Purpose.

This chapter is adopted pursuant to the city's police powers and California Vehicle Code Section 22507.5, and any successor statute or regulation, in order to regulate parking of oversized vehicles or trailers within the city's jurisdiction. The regulations enacted by this chapter are intended to protect public health and safety by, among other things, ensuring that vehicles parked or stopped in and along city streets, or other public rights-of-way, do not hinder, obstruct, or otherwise endanger drivers engaged in the ordinary flow of traffic.

3-2.2003 - Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter

- (a) "Out-of-town visitor" means any person who does not reside in the city and who is temporarily visiting a resident of the city.
- (b) "Oversized vehicle" means any vehicle which exceeds twenty (20) feet in length; or exceeds seven (7) feet in width; or exceeds seven (7) feet in height, exclusive of such projecting lights or devices as are expressly allowed pursuant to the California Vehicle Code as it now exists or hereafter may be amended. Oversized vehicle does

not include pickup trucks, which are less than twenty-five (25) feet in length and eighty-two (82) inches in height.

- (c) "Residential areas" means those residential areas of the city as defined by local zoning ordinance.
- (d) "Trailer" means a trailer, semi-trailer, camp trailer, unmounted camper, or trailer coach as defined in the California Vehicle Code.

3-2.2004 - Application of Regulations.

- (a) The prohibitions in this chapter will apply at all times, or at those times specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or to comply with the directions of a police officer or official traffic control device.
- (b) The time limitations on standing or parking in this chapter will not relieve any person from the duty to observe other and more restrictive provisions of the California Vehicle Code or this code prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

3-2.2005 - Appeals.

Every person who is issued a notice of parking violation pursuant to this chapter may request review of that notice under California Vehicle Code Sections 40215 et seq.

3-2.2006 - Oversized Vehicles—Parking Prohibited—Exceptions.

- (a) Except as otherwise provided in this section, it is unlawful for any person to park or leave standing any oversized vehicle or trailer on any street in a residential area Monday through Fridays, inclusive, holidays excepted.
- (b) Exceptions. This section does not apply:
 - (1) To any person loading, unloading, or cleaning an oversized vehicle or trailer as long as said oversized vehicle or trailer is parked on the public street for no more than seventy-two (72) hours;
 - (2) To any person making temporary or emergency repairs to an oversized vehicle or trailer not to exceed twenty-four (24) consecutive hours;
 - (3) To any person picking up or delivering goods, wares, and merchandise, including, without limitation, building materials to be used in "the actual repair", alteration, remodeling or construction of any building or structure located in the residential zones for which a building permit has previously been obtained;
 - (4) To any person holding a valid oversized vehicle parking permit issued pursuant to this chapter;
 - (5) To any person holding a valid oversized vehicle handicap permit issued pursuant to this chapter;
 - (6) To any public emergency vehicle; or
 - (7) To any person parking their vehicle or trailer on a street within a space already designated for times parking.

3-2-2007 - Trailers—Parking Prohibited—Exceptions.

- (a) Daytime Parking Prohibited. Except as otherwise provided in this section, it is unlawful for any person to park or leave standing any trailer that is attached to a vehicle capable of moving the trailer in a lawful manner on any street in a residential area Monday through Fridays, inclusive, holidays excepted.
- (b) Unhitched Trailers Prohibited. Except as otherwise provided in this section, it is unlawful for any person to park or leave a trailer standing on any street or alley in a residential area unless it is attached to a vehicle capable of moving the trailer in a lawful manner upon the street.
- (c) The provisions of this section do not apply to:
 - (1) Trailers owned by a public utility or a licensed contractor while actually in use during the construction, installation, or repair of any public utility.
 - (2) Persons loading or unloading a trailer when making temporary or emergency repairs to a trailer.

3-2.2008 - Oversized Vehicle Parking Permits.

- (a) Purpose. The purpose of authorizing the issuance of oversized vehicle parking permits is to give owners of oversized vehicles an opportunity, for a limited time, to park the oversized vehicles on a street/highway adjacent to their residence for the purpose of loading or unloading such oversized vehicles, and to allow an out-of-town visitor to park on a street/highway adjacent to the residence which the out-of-town visitor is visiting for a limited time period, notwithstanding the provisions of this chapter. The purpose of authorizing the issuance of oversized vehicle handicap permits is to allow a handicapped person, whether or not such person has a handicapped license plate, to park a designated oversized vehicle on a street/highway in a residential area.
- (b) Persons holding a valid permit issued pursuant to this chapter may park an oversized vehicle on a street in a residential area.
- (c) The Police Chief or designee, is authorized to issue oversized vehicle parking permits and oversized vehicle handicap permits pursuant to this chapter.
- (d) There will be no fee charged for issuance of an oversized vehicle parking permit.

3-2.2009 - Oversized Vehicle Parking Permits—Application.

Every person desiring an oversized vehicle parking or handicap permit will file an application with the Police Chief or designee, containing the following:

- (a) The name, address and phone number of the registered owner and applicant of designated oversized vehicle;
- (b) The license number, make and model of designated oversized vehicle;
- (c) The dates for which the permit is requested;
- (d) The dates and duration of any and all oversized vehicle permits issued to the applicant within the immediately preceding ninety (90) day period;
- (e) Additional information the Police Chief, or designee, may reasonably require; and
- (f) The signature of the applicant under penalty of perjury.

3-2.2010 - Issuance.

- (a) The Police Chief will issue a permit if:
 - (1) The application was completed in accordance with this chapter;
 - (2) He determines that the health, safety and general welfare of the neighborhood will not be adversely affected thereby; and
 - (3) The application is signed by the applicant under penalty of perjury.
- (b) Use of any permit issued pursuant to this chapter will conform to the general permit conditions of this chapter

3-2.2011 - Duration.

- (a) Oversized Vehicle Parking Permit. An oversized vehicle parking permit will be valid for a period not to exceed five (5) consecutive calendar days. Upon expiration of an oversized vehicle parking permit issued under this section, the applicant may apply for and be granted additional oversized vehicle parking permits if the applicant still qualifies under the conditions set forth herein. In no event will oversized vehicle parking permits be issued to an applicant for a total period in excess of ten (10) days within any consecutive ninety-day (90) period.
- (b) Oversized Vehicle Handicap Permits. Oversized vehicle handicap permits will be valid for a period of two (2) years, and may be renewed, if the applicant continues to meet the qualifications therefor.

3-2.2012 - Permit Denial.

A permit must be denied if the Police Chief finds that:

- (a) The applicant is not a bona fide city resident;
- (b) The proposed location is not on a street adjacent to the applicant's residence;
- (c) The out-of-town visitor is not the applicant's guest;
- (d) Information submitted by the applicant is materially false; or
- (e) If the application is for an Oversized Vehicle Handicap Permit
 - (1) The applicant is not entitled to receive a handicap placard or license plate under the California Vehicle Code; or
 - (2) The Oversized vehicle is not the applicant's primary mode of transportation.

3-2.2013 - Form.

Permits issued pursuant to this chapter will be in a form prescribed by the Police Chief and will include the license plate number of the oversized vehicle to which it relates, and the date of issuance and the day of expiration.

3-2.2014 - Display.

(a) All permits are required to be placed at the lower driver's side of the windshield of the oversized vehicle or vehicle that is attached to the trailer to which it relates so that it is clearly visible from the exterior of the oversized vehicle.

(b) Each vehicle issued a permit shall be parked in a manner that conforms to all other parking and vehicle regulations and laws established by this Code and the Vehicle Code.

SECTION 3. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

The City Council hereby finds that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) of the State CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

SECTION 5. EFFECTIVE DATE

This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION

At least two (2) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this Ordinance is posted.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of February, 2020, by Councilmember Ridenour, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

APPROVED: _____
TED BRANDVOLD, Mayor

ATTEST:

By: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____

JOSE M. SANCHEZ, Acting City Attorney

ORDINANCE NO. 3716-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of February, 2020, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: _____
MAYOR TED BRANDVOLD

Ordinance No. 3716-C.S.
Effective Date March 12, 2020

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

Effective Date: March 12, 2020

Ordinance No. 3716-C.S.
Effective Date March 12, 2020