

ORDINANCE NO. 122
AN ORDINANCE OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT
REGARDING PARKING REGULATIONS

WHEREAS, unauthorized overnight parking of vehicles on public property by individuals has caused, and continues to cause, a disturbance of the peace and general welfare of the community; and

WHEREAS, by this Ordinance, the San Simeon Community Services District (“District”) desires to establish uniform rules regarding overnight vehicular parking within District boundaries; and

WHEREAS, the District finds that the use of District streets, rights of way, and other similar property for vehicular parking, especially when used on a long-term basis, is inappropriate and incompatible with the intended purpose of such facilities (i.e. such use interferes with the public’s use).

NOW, THEREFORE, BE IT ORDAINED by the San Simeon Community Services District that the District does hereby repeal Ordinance 107 and adopts the following Ordinance 122:

SECTION 1: REPEAL and ADOPT

Ordinance 107 is hereby repealed, and this Ordinance 122 is adopted.

SECTION 2: PURPOSE

The streets and public areas within the District should be readily accessible and available to residents and the public at large. The use of these areas for overnight vehicular parking interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts the community. The purpose of this chapter is to maintain public areas within the District in a clean, sanitary, and accessible condition and to adequately protect the health, safety, and public welfare of the community. Nothing in this Ordinance is intended to interfere with otherwise lawful and ordinary uses of public property.

SECTION 3: DEFINITIONS

As used in this Ordinance, the following words and phrases have the meanings set forth in this section, unless the context in which any such word or phrase is used clearly requires another meaning:

- A. “District Public Property” means any publicly owned property within the District, including but not limited to Streets (as defined).

- B. “Recreational Vehicle” means recreational vehicle as defined in Health and Safety Code section 18010, semi-trailer as defined in Vehicle Code section 550, trailer as defined in Vehicle Code section 630, trailer coach as defined in Vehicle Code section 635, trailer bus

as defined in Vehicle Code section 636, a truck tractor as defined in Vehicle Code section 655, or any of the following:

1. "Travel trailer" means a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for camping, travel, recreational, and vacation uses permanently identified as a travel trailer by the manufacturer;
 2. "Camper" means a structure designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render as suitable for use as a temporary dwelling for camping, travel, recreational, and vacation purposes;
 3. "Motorized home" means a portable, self-contained dwelling designed and constructed as an integral part of a self-propelled vehicle; and
 4. "Full tent trailer" means a canvas folding structure mounted on wheels and designed for camping, travel, recreational, and vacation use.
- C. "Street(s)" means the following streets within the District: Jasper Way, Penn Way, Avonne Avenue, Balboa Avenue, Pico Avenue, Vista Del Mar, Otter Way, and any other public roads, alleys, or rights-of-way of the District.
- D. "Trailer" means a structure or similar conveyance designed to be drawn, carried or towed by a Vehicle or required to be registered with the State of California.
- E. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

SECTION 4: POSTING OF NOTICE

Appropriate signs or markings giving adequate notice of the restrictions provided for in this Ordinance shall be placed upon the affected Streets and District Public Property. Notice of removal of Vehicles, Recreational Vehicles, and Trailers for violation of this Ordinance shall also be provided.

SECTION 5: NO VEHICLE PARKING FOR MORE THAN SEVENTY-TWO HOURS

Pursuant to California Vehicle Code section 22507, no motor Vehicle or Trailer, whether operational or non-operational for any reason, shall be parked or left standing upon any Street or District Public Property for seventy-two or more consecutive hours. When a Vehicle or Trailer is parked or left standing upon a Street or District Public Property for seventy-two or more consecutive hours, the District may remove such Vehicle or Trailer or cause the same to be removed without notice. Any such Vehicle or Trailer left standing for such period shall be deemed to have been abandoned by the registered owner.

SECTION 6: PARKING OF BROKEN DOWN, WRECKED, AND UNREGISTERED VEHICLES

No person shall park or stand or permit to remain for a longer period than two (2) hours on any Street or District Public Property, any motor vehicle that is wrecked, broken down, or incapable

of operating under its own power, or any Vehicle or Recreational Vehicle that is not registered with appropriate fees having been paid pursuant to the California Vehicle Code.

SECTION 8: PARKING OF RECREATIONAL VEHICLES

No Recreational Vehicle shall be parked or left standing between the hours of midnight and 6:00 a.m. upon any Street unless a permit has first been issued therefor by the General Manager of the District or an authorized representative of the District.

SECTION 9: PERMITS FOR RECREATIONAL VEHICLES

Notwithstanding Section 8, a Recreational Vehicle may be parked on any Street if a 72-hour parking permit is issued pursuant to this section. The purpose of a parking permit is to allow users of a Recreational Vehicle to park adjacent to their residences or businesses to load and unload and to allow out-of-town visitors to park in front of the residence which they are visiting for a limited period of time. The provisions of this section shall not supersede any covenants, conditions and restrictions or other private agreements. The terms of such parking permit shall be as follows:

- A. Issuance of Permit. Parking Permits shall be issued by the General Manager, or designee, upon receipt of an application on a form the District shall establish for that purpose. Any resident of the District may obtain a parking permit authorizing such a Recreational Vehicle to park in front of their residence or place of business. Any out-of-town visitor of a residence may obtain a parking permit authorizing the visitor to park such Recreational Vehicle in front of such residence, but may not reside in that Recreational Vehicle overnight while it is so parked, or run water, waste or power lines to the Recreational Vehicle over a public right of way. For purposes of this section, "out-of-town visitor" means any person who does not reside in the District.
- B. Description of Permit; display. The parking permit shall include the license number of the Recreational Vehicle authorized to be parked, the date of issuance, the time period the parking permit is valid, and the telephone number of the applicant. Such permit shall be taped to the Recreational Vehicle on the inside of the driver's side window and be clearly visible to District staff and the public.
- C. Duration and renewal. The parking permit shall be valid for 72 hours. Upon expiration of a parking permit issued under this section, the applicant may apply for and be granted a parking permit if the applicant still qualifies under the conditions set forth herein. In no event shall more than two (2) parking permits be issued to an applicant within a thirty-day period.

SECTION 10: VIOLATIONS AND PENALTIES

Any person who is in violation of any provision of this Ordinance shall be issued a citation by the General Manager, or designee, in the following amounts:

- A. A fine not exceeding fifty dollars (\$50) for a first violation;
- B. A fine not exceeding one hundred dollars (\$100) for a second violation of this Ordinance within one year;

C. A fine not exceeding two hundred fifty dollars (\$250) for each additional violation of this Ordinance within one year.

Furthermore, pursuant to section 22651 of the California Vehicle Code, any Vehicle, Trailer, or Recreational Vehicle left standing on any Street in violation of this Ordinance may be removed from the Street. Any person whose Vehicle, Recreational Vehicle, or Trailer has been towed away under this Ordinance will be responsible for paying any District costs and/or towing costs directly to the towing company in order to reclaim the Vehicle, Recreational Vehicle, or Trailer.

SECTION 11: SEVERABILITY

If any subdivision, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or of any other provisions of other ordinances of the District. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION 12: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after adoption.

SECTION 13: PUBLICATION

A summary of this Ordinance shall be published in a newspaper of general circulation and a certified copy of the full text of the proposed Ordinance shall be posted in the office of the District at least five days prior to the meeting at which the proposed Ordinance is to be adopted. Within fifteen days after adoption of the Ordinance, the governing body shall publish a summary of the Ordinance with the names of those members voting for and against the ordinance and shall post in the office of the district a certified copy of the full text of the adopted Ordinance along with the names of those members voting for and against the Ordinance.

This Ordinance was passed and adopted at a meeting of the Board of Directors of the San Simeon Community Services District on February 8, 2022, upon motion by Chairperson Kellas and seconded by Director Donahue by the following roll call vote:

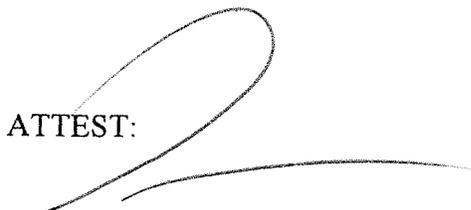
Chairperson Kellas: yes Director De La Rosa: yes Director Giacoletti: yes

Director Donahue: yes Director Reinstein: absent



Gwen Kellas, Chairperson

ATTEST:



Charles Grace
Secretary/General Manager

APPROVED AS TO FORM:



Jeffrey A. Minnery
District Counsel



1010 Marsh St., San Luis Obispo, CA 93401
(805) 546-8208 + FAX (805) 546-8641

PROOF OF PUBLICATION
(2015.5 C.C.P.)

Proof of Publication of

STATE OF CALIFORNIA,
County of San Luis Obispo,

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party interested in the above entitled matter. I am the principal clerk of the printer of the *New Times*, a newspaper of general circulation, printed and published weekly in the City of San Luis Obispo, County of San Luis Obispo, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of San Luis Obispo, State of California, under the date of February 5, 1993, Case number CV72789; that notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

February 10

in the year 2022.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct.

Dated at San Luis Obispo, California, this day 10 of February, 2022.

Patricia Horton

Patricia Horton, *New Times* Legals

SAN SIMEON COMMUNITY SERVICES DISTRICT SUMMARY
ORDINANCE NO. 122 OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT REGARDING PARKING REGULATIONS

This Ordinance Summary is published in accordance with the policies and procedures of the San Simeon Community Services District and the provisions of Government Code Section 25124. On December 14, 2021, the San Simeon Community Services District voted to introduce District Ordinance No. 122 regarding parking on District Streets. District Ordinance No. 122 was approved unanimously during the February 8, 2022 Board meeting by Directors Gwen Kellas, Michael Donahue, Daniel de la Rosa, and Mary Giacoletti.

In accordance with the policies and procedures of the San Simeon Community Services District and Government Code Section 25124, a copy of the complete proposed ordinance is available for review at the District office located at 111 Pico Avenue, San Simeon, California. For more information, contact the District office at (805) 927-4778.

Cortney Murguia
February 10, 2022