

## **ORDINANCE NO. 263-2022**

### **AN ORDINANCE AMENDING CHAPTER 8, SECTION 8-6 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO TRAFFIC AND PARKING REGULATIONS**

**WHEREAS**, the City Council desires to update the Uniform Traffic/Parking Regulations to address the use of city streets for the storage of vehicles, the parking of vehicles on unimproved lots, to define certain no parking areas, to prohibit the repair of vehicles on streets and in parking lots, and to define when the removal and storage of vehicles is authorized for violating parking ordinances and resolutions pursuant to the authorities granted in California Vehicle Code Section 22651; and

**NOW, THEREFORE**, the City Council of the City of Clearlake, State of California does ordain as follows:

#### **SECTION 1. FINDINGS.**

- A. The above recitals are declared to be true and correct findings of the City Council of the City of Clearlake.

#### **SECTION 2.**

Chapter 8, Section 8-6, beginning with Subsection 8-6.2 is hereby amended to read as follows:

##### **8-6.2 Definitions.**

Except where the context otherwise requires, the definitions provided in this section shall govern the construction of these regulations.

a. ALLEY shall mean any city street having a roadway not exceeding twenty-five (25') feet in width which is primarily used for access to the rear or side entrances of abutting property.

b. STREET is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street shall include all or any part of the entire width of the street or public right-of-way, whether or not such entire area is actually used for street purposes. Street is synonymous with highway.

c. TRAILER is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle. Trailer includes automobile trailer, trailer coach, trailer, motorhome, recreational vehicle, camping trailer, or camper shell which includes bed and/or other items associated with a living unit.

e. VEHICLE shall mean any device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power. Vehicle includes trailer.

f. VESSEL means a vessel as defined in Section 9840(a) of the California Vehicle Code, as the same now reads or may hereafter be amended.

#### **8-6.3 Parking in Excess of Seventy-Two (72) Consecutive Hours Prohibited.**

No vehicle shall be parked or left standing on any street or alley for more than seventy-two (72) consecutive hours. Any vehicle so parked is subject to storage and removal at the owner's expense, pursuant to California Vehicle Code section 22651(k), when a notice of violation of this section was posted to the vehicle.

A vehicle posted with notice pursuant to this section shall be moved and not re-parked on any street, alley, or other city property within 500 feet of the location where it was posted for a period of seventy-two (72) consecutive hours from when it was moved.

#### **8-6.4 Parking and Storing Vehicles on Unimproved Property Prohibited.**

- a. No person shall park or store any vehicle, nor shall any parcel owner permit the parking or storing of any vehicle, on any unimproved parcel or unimproved property, except when the vehicle is being continuously and actively used for maintenance or repair of the parcel, not to exceed seventy-two (72) consecutive hours.
- b. For purposes of this subsection, unimproved parcel or unimproved property shall mean any parcel or property which is not lawfully improved with a commercial building or dwelling structure, including land that was once improved with a commercial building or dwelling structure but is now devoid of such building or structure.
- c. This subsection shall not apply to the following parcels or properties:
  - a. A parcel or property that is lawfully established as a parking lot as a primary use pursuant to the Zoning Code.
  - b. A parcel or property where a lawful primary use has been established pursuant to the Zoning Code and the parking or storing of the vehicle is expressly permitted by the Zoning Code.
- d. This subsection shall not apply to a vehicle owned by a federal, state, or local government agency nor to a vehicle owned by a utility provider, when used by a representative of the utility in the performance of their duties.

#### **8-6.5 No Parking Areas.**

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

- a. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings.

- b. Where the city engineer determines that parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property when such area is indicated by appropriate signs or by curb markings.
- c. On any street or highway that has been closed pursuant to the authority set forth in the California Vehicle Code or pursuant to this Code and signs or barriers have been placed to effectuate the closure.
- d. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the side of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic; provided, that signs giving notice of no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking. The vehicle is subject to removal and storage at the owner's expense pursuant to California Vehicle Code section 22651(l).
- e. On any street or highway where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size and the parking of such vehicle would prohibit or interfere with such movement; provided, that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking. The vehicle is subject to removal and storage at the owner's expense pursuant to California Vehicle Code section 22651(m).
- f. In any area established by resolution of the City Council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface.
- g. Upon, along or across any railroad track in such manner as to hinder, delay or obstruct the movement of any railroad car traveling upon such track.
- h. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property.

#### **8-6.6 Repairing Vehicles on Streets and in Parking Lots.**

- a. No person shall repair, dismantle, overhaul, or perform any mechanical work upon a vehicle, nor park or leave standing a vehicle for said purpose, while the vehicle is upon any street or public parking lot or, if upon a private parking lot open to the public, then without the consent of the property owner.

This does not prohibit the driver of any vehicle which is disabled while upon any street or public parking lot, to such extent that it is impossible to avoid stopping, from making

or causing to be made minor immediate repairs necessary to enable such vehicle to be moved to a proper place.

b. No person shall park or leave standing a vehicle on blocks, jack stands, metal car ramps or similar items on any street, public parking lot or private parking lot open to the public.

c. For purposes of this subsection, street shall include a privately maintained street held open to the public for vehicular traffic.

#### **8-6.7 Removal of Vehicles.**

Except as specified, a vehicle in violation of this section, or in violation of any parking regulation adopted by resolution of the City Council, is subject to citation and/or removal and storage at the owner's expense pursuant to California Vehicle Code section 22651(n) when signs are posted giving notice of the removal.