

ORDINANCE NO. 462-122

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
AMENDING ORDINANCE NO. 462 OF SHASTA COUNTY ENTITLED
"AN ORDINANCE ESTABLISHING 'NO PARKING' ZONES ON CERTAIN STREETS
AND PORTIONS THEREOF," BY AMENDING SECTIONS I AND III THEREOF**

The Board of Supervisors of the County of Shasta ordains as follows:

Section 1. The Board of Supervisors makes the following findings:

- A. Commercial vehicles with a manufacturer's gross vehicle weight of 11,500 pounds or more have limited parking options in the area around County Road 3H003 (unnamed) from its intersection with County Road 2G02 (Happy Valley Road) to 0.23 miles south to its intersection with State Highway 273 (the "Subject Road"). The adjacent highway and commercial uses are compatible with allowing large commercial vehicles to park within the County right of way on the sides of the roadway of the Subject Road.
- B. Concerns have been reported about the parking of vehicles (other than commercial vehicles with a manufacturer's gross vehicle weight of 11,500 pounds or more) on the Subject Road and the associated County right of way. The concerns relate to the creation of potential adverse health, sanitary, environmental, and safety impacts as a result of the parking of such vehicles on the Subject Road and the associated County right of way for the use of camping and vending. This ordinance is necessary to promote the public health and safety as a means to mitigate these potential adverse impacts within the Subject Road and the associated County right of way.
- C. Pursuant to Vehicle Code section 40200, *Tyler v. County of Alameda*, 34 Cal. App. 4th 777 (1995), and *U.S. v. Choudhry*, 461 F.3d 1097 (9th Cir. 2006), "Legislative intent, California court decisions, and the interpretation of the California Attorney General all confirm that parking violations are no longer . . . treated as infractions within the criminal justice system, instead, they are treated as civil offenses subject to civil penalties and administrative enforcement."

Section 2. Section I of Ordinance No. 462, which establishes "No Parking" zones on certain streets and portions thereof, is amended to also make it unlawful for any person to park any vehicle or to leave any vehicle standing unattended as follows:

On County Road 3H003 (unnamed), including the entire County right of way, from its intersection with County Road 2G02 (Happy Valley Road) to 0.23 miles south to its intersection with State Highway 273. The restrictions for this area shall not apply to commercial vehicles having a

manufacturer's gross vehicle weight of 11,500 pounds or more that park within the County right of way on the sides of the roadway. The term "commercial vehicle" is defined in Vehicle Code section 260 as it currently exists and as it may be amended. The term "roadway" is defined in Vehicle Code section 530 as it currently exists and as it may be amended.

Section 3. Section III of Ordinance No. 462 is amended in its entirety to read as follows.

- A. Any person in violation of any of the provisions of this ordinance and its amendments shall be assessed a civil penalty. The amount of the civil penalty shall be \$20.00. If any person fails to make a timely appearance or timely payment of a civil penalty, a delinquency penalty shall be assessed against that person for the late appearance or payment. The amount of the delinquency penalty shall be \$20.00. Each person who is assessed a civil penalty pursuant to this ordinance shall be assessed a separate civil penalty for each and every commission of any parking violation, and each and every late appearance or late payment. Any surcharges, penalty assessments, or other assessments, which are mandated by state law, shall be added to the civil penalty imposed pursuant to this ordinance.
- B. This ordinance is a regulatory provision necessary for the protection of the public health, welfare and safety. Unless otherwise specifically provided in this ordinance, in any proceeding for a violation of any of the provisions of this ordinance, it is not necessary to prove knowledge or criminal intent.
- C. If any person parks a vehicle in violation of the provisions of this ordinance, the vehicle may be removed as provided by law.
- D. A violation of any of the provisions of this chapter constitutes a public nuisance.
- E. All peace officers and parking monitors are empowered, authorized and directed to issue parking violation notices pursuant to this ordinance.
- F. The County Executive Officer shall administer and adjudicate the imposition of all civil penalties assessed pursuant to this ordinance and the Vehicle Code, and provide for the collection and disbursement thereof. In the alternative, the County may contract with a private vendor, with any city, with any county, or with any state law enforcement agency to administer and adjudicate the imposition of all civil penalties assessed pursuant to this ordinance and the Vehicle Code, and provide for the collection and disbursement thereof.

Section 4. Section 3 of this ordinance shall be applicable to violations of Ordinances 462 and 462-1 through 462-122, inclusive, and shall supersede any and all provisions in said ordinances that make violations of said ordinances infractions or misdemeanors.

Section 5. Ordinance Number 462-120 and all ordinances and parts of ordinances in conflict herewith are repealed.

Section 6. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 7. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

Section 8. This ordinance shall be in full force and effect thirty (30) days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this ____ day of _____, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES

Clerk of the Board of Supervisors

By _____
Deputy