

Title 10

VEHICLE AND TRAFFIC CODE

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Chapter 01

DEFINITIONS

Sections:

10.01.010 Definitions Generally.

10.01.010 Definitions Generally.

The words and phrases defined in this Chapter, when used in this title, shall have the meanings ascribed to them in this Chapter, except when the context otherwise requires. Any words and phrases not defined in this Chapter shall have the meaning ascribed to them in the California Vehicle Code and amendments thereto. Words not defined either in this chapter or the California Vehicle Code shall be given their common meaning.

“Arterial street” means any Federal or State numbered route or controlled access highway, or any other major street or highway designated by the City Council as part of a major arterial system of streets or highways.

“Bicycle” shall mean any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears and which has wheels at least twenty (20) inches in diameter and a frame size of at least fourteen (14) inches.

“Bicycle parking space” means a space established for the temporary parking of a bicycle that is in a bicycle parking zone established pursuant to Section 10.05.100.

“Bikeway” means every way, including highways, which is publicly maintained, and which is in some manner specifically designated as open to public bicycle travel, regardless of whether the way is designated for exclusive use of bicycles or is to be shared with other transportation modes.

“Boat” includes every description of watercraft used or capable of being used as a means of transportation on water.

“Bus” means any motor bus, motor coach or passenger stage used as a common carrier of passengers.

“Camp car” means a vehicle with or without motive power which is designed or used for human habitation and which may contain plumbing, refrigeration, cooking, heating or electrical equipment, but does not include an installed “mobile home” or “manufactured home” as set forth in California Government Code sections 65852.3 and 65852.7.

“Camper shell” means a structure designed to be mounted upon a vehicle that provides shelter from the elements but does not contain plumbing, refrigeration, cooking, heating, electrical

equipment or other facilities for human habitation.

“Crosswalk” means

A. That portion of the roadway included in the prolongation at the curb and property lines at street intersections or,

B. Prolongation of such lines from an alley across a street, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface, as designated by resolution of the City Council.

“Driveway” means an established paved path leading from a garage or parking facility on a lot to a street or alleyway and used primarily for the ingress or egress of vehicles.

“Gross weight” means the unladen weight of a vehicle plus the weight of any load on the vehicle.

“Holidays” means all the days established as legal holidays by the State of California.

“Immediate family” includes parents, grandparents, spouse and children related by blood, marriage, or adoption.

“Intersection” means the area embraced within the prolongation of the property lines of two (2) or more streets which join at an angle whether or not one such street crosses the other.

“Loading zone” means the space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials, and plainly marked by signs or painting on the street or the side of a building.

“Major repair” includes pulling and dismantling engines, repair or replacement of transmissions, axles, water pumps, alternators, brakes, shocks, and similar work as well as vehicle body, panel repair and any hull or cabin repair to a boat.

“Motor home” means a self-contained vehicle designed for human habitation, with its own motive power, and with a passageway from the body of the home to the driver’s front passenger seat.

“Multi-use vehicle” means a four (4) wheel drive vehicle, pickup truck, motor home or van, twenty-three (23) feet or less in length.

“One-way street” means any street upon which vehicular traffic shall proceed in one direction only.

“Operational vehicle” means a motor vehicle that is currently capable of being propelled by its own engine.

“Owner of vehicle or boat” means the last registered owner and legal owner of record.

“Park” means to stand a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

“Pedestrian safety zone” means the area or space lawfully set apart within a street as a safety zone for the exclusive use of pedestrians and which is protected from vehicular traffic, or which is marked or indicated by pavement markings, vertical signs, raised markers or raised buttons, to make such area or space plainly visible.

“Pickup” means to take aboard a load of cargo of the type or kind that the vehicle is designed to haul.

“Property, real property, and private property” shall not include sidewalks or unpaved areas.

“Public safety officer” means one (1) of the personnel of the Police Department or Fire Department of the City who are authorized to direct or regulate traffic or enforce traffic regulations.

“Public storage” means a privately-owned facility, containing designated parking areas for the secure outdoor and indoor storage of vehicles (including boats).

“Recreational vehicle” means any vehicle or trailer designed or modified for use as a camp car, camper, motor home, house car, trailer coach, boat, boat trailer, snowmobile, trailer, fifth wheel trailer, trailers with boats, house boat, camp trailer, vehicle with a camper shell, multi-use vehicle or any similar purpose.

“Registration” means a current valid state registration for a vehicle conforming to California Vehicle Code sections 4000 or 9840 *et seq.*, for boats.

“Resident” means the owner or lessee of real property.

“Residential districts” means those areas of the city zoned for residential use, whether for single or multiple family dwellings.

“Routine maintenance” shall be limited to changing oil, tires, air filters, spark plugs, and similar work commonly referred to as a tune-up. Except as listed, the removal or replacement of mechanical or body parts of a vehicle or boat constitute major repair.

“Stand” or “standing” means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actively engaged in receiving or discharging passengers.

“Taxi” means a vehicle that carries passengers to a place for an amount of money that is based on distance and time traveled, including any ridesharing vehicles.

“Traffic regulations” means any ordinances or resolutions of the City Council passed for the purpose of regulating or controlling any vehicular, bicycle or pedestrian traffic.

“Truck” means any vehicle the gross vehicle weight rating of which exceeds five (5) tons.

“Truck route” means any street designated for the unrestricted use of trucks.

“Unrestricted street” means any street, avenue or thoroughfare, as determined and designated by a resolution of City Council, 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 the vehicles; provided the 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.

“Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a highway or street, except a device moved exclusively by human power or used exclusively

Chapter 02

GENERAL PROVISIONS

Sections:

- 10.02.010 Short Title.**
- 10.02.020 Authority.**
- 10.02.030 Administration.**
- 10.02.040 City Council Determination.**
- 10.02.050 Duties of the Enforcement Authority.**
- 10.02.060 Authority to Direct Traffic.**
- 10.02.070 Unauthorized Persons Shall Not Direct Traffic.**
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- 10.02.090 Vehicles Propelled by Human or Animal Power.**
- 10.02.100 When Official Traffic Control Devices Required.**
- 10.02.110 Official Traffic Control Devices–Presumption of Legality.**
- 10.02.120 Prohibition Against Bypass to Avoid Official Traffic Control Devices.**
- 10.02.130 Obedience to Traffic–Control Devices.**
- 10.02.140 Traffic Barriers.**
- 10.02.150 Barriers and Lights Where Work is Being Done.**

10.02.010 Short Title.

This title may be cited or referred to as “the City of Ceres traffic ordinance.”

10.02.020 Authority.

This title is adopted pursuant to those provisions of the California Vehicle Code authorizing local jurisdictions to regulate traffic. If any provision herein is deemed to be in conflict with the California Vehicle Code, the provisions of the California Vehicle Code shall prevail.

10.02.030 Administration.

The City Engineer shall have the authority and responsibility for administering this title.

10.02.040 City Council Determination.

The City Council shall determine the following by resolution:

1. Designation of one (1) way streets;
2. Truck routes and weight limits;
3. Speed limits on City streets;
4. Hazardous material routes, subject to any law or regulation of the State or of the United

States;

5. Kinds and classes of traffic and the maximum size and weight of vehicles permitted on any street or portion of a street.

10.02.050 Duties of the Enforcement Authority.

The Police Department is authorized to enforce all traffic regulations of the City and the California Vehicle Code, make arrests or issue citations for traffic violations or infractions, and investigate traffic accidents.

10.02.060 Authority to Direct Traffic.

Personnel of the Police Department, Fire Department, and other persons designated by the Police Chief are authorized to direct all traffic by voice, hand signals, or with other devices during emergency situations, such times as necessary to expedite traffic, or such times to safeguard pedestrians. Authorized persons may direct traffic as conditions require, notwithstanding the provisions of any other state or local traffic laws.

10.02.070 Unauthorized Persons Shall Not Direct Traffic.

No person other than those authorized pursuant to Section 10.02.060 of this Title shall direct or attempt to direct traffic by voice, hand, or other signal, except that persons may operate any mechanical pushbutton signal erected by order of the City Manager.

10.02.080 Authority of the City Engineer.

A. The City Engineer shall place and maintain official traffic control devices when and as required under the traffic regulations of the City or the California Vehicle Code. All traffic control signs, signals and devices shall conform to the manual and specifications approved by the California Department of Transportation, unless otherwise allowed by the California Vehicle Code and approved by the City Council.

B. The City Engineer has the authority to test traffic control devices under actual conditions of traffic, subject to laws and regulations of the State or of the United States.

C. The City Engineer has the authority to remove, relocate, or discontinue the operation of any traffic-control device not specifically required by state law or this title whenever he or she shall determine in any particular case that the conditions which warranted or required the installation no longer exist or obtain.

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

E. The City Engineer is authorized to mark 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.

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

G. The City Engineer is authorized to regulate the timing of traffic signals 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 shall erect appropriate signs giving notice thereof.

H. The City Engineer may cooperate with other City officials in the development of ways and means to improve traffic conditions.

I. The City Engineer shall exercise those additional duties imposed by City ordinance and resolution.

10.02.090 Vehicles Propelled by Human or Animal Power.

A. Every person propelling a vehicle by human power or riding a bicycle shall have all the rights and duties applicable to the driver of a vehicle described by this title, except those provisions of this title which by their nature can have no application.

B. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall have all the rights and duties applicable to the driver of a vehicle described by this title, except those provisions of this title which by their nature can have no application.

10.02.100 When Official Traffic Control Devices Required.

A. No provision of this title for which official traffic control devices are required shall be enforced if at the time and place of the alleged violation an official traffic control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

B. No prohibition, regulation or limitation relating to stopping, standing or parking imposed under this title shall be effective unless official traffic control devices giving notice of such prohibition, regulation or limitation are erected and in place at the time of any alleged offense.

10.02.110 Official Traffic Control Devices—Presumption of Legality.

Whenever official traffic control devices are placed in position approximately conforming to the requirements of this title, such devices shall be presumed to have been placed by the official act or direction of lawful authority and shall be presumed to comply with the requirements of this

title, unless the contrary is established by competent evidence.

10.02.120 Prohibition Against Bypass to Avoid Official Traffic Control Devices.

No person shall operate a motor vehicle to bypass any official traffic control device by traversing private or public property to avoid compliance with such device. However, a person shall not be deemed to be in violation of this section if they cross private property with the express permission of the property owner and are in possession of proof of such permission from the property owner at the time they traverse private property. Such person shall present such proof when requested by a public safety officer.

10.02.130 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 person authorized to direct traffic, subject to the exceptions granted by the driver of an authorized emergency vehicle when responding to emergency calls.

10.02.140 Traffic Barriers.

A. No person shall operate a vehicle contrary to the directions or provisions of any barrier or sign erected:

1. Pursuant to the provisions of any ordinance of the City;
2. By any public utility;
3. By any department of the City; or
4. By any other person pursuant to law or contract with the City.

B. No unauthorized person shall move or alter the position of any such barrier or sign.

C. 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.

10.02.150 Barriers and Lights Where Work is Being Done.

Any person who causes a dangerous condition on any portion of a public street shall:

- A. Erect and, so long as the danger continues, maintain a good and substantial barrier around the portion of the dangerous condition on the street or highway;
- B. Maintain sufficient lights, torches, or flashers plainly visible from a distance of five hundred (500) feet on that portion of the street with the dangerous condition during every night from sunset to sunrise.

Chapter 03

EXEMPTION TO CERTAIN VEHICLES

Sections:

10.03.010 Exemptions to Certain Vehicles.

10.03.020 Parking or Driving of Certain Vehicles on Restricted Streets Prohibits; Exceptions.

10.03.010 Exemptions to Certain Vehicles.

A. The provisions of this Chapter regulating the operation, parking and standing of vehicles shall not apply to any vehicle of the Police and/or Fire Department or any public utility vehicle, or any public ambulance, which public utility vehicle, or ambulance has qualified as an authorized emergency vehicle, when any vehicle mentioned in this Section is operated in the manner specified in the Vehicle Code in response to an emergency call.

B. 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.

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

D. The moving of houses, buildings, or structures upon and over the streets of the City after securing the proper permits therefor.

E. The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his willful or negligent disregard of the safety of others.

10.03.020 Parking or Driving of Certain Vehicles on Restricted Streets Prohibits; Exceptions.

A. No person shall park or drive any of the following types of vehicles or equipment upon any street, avenue, alley or thoroughfare within the City, unless such street, avenue or thoroughfare has been designated as an unrestricted street by a resolution of the City Council.

1. Any vehicles, including any attached trailers, used for the transportation of commodities or materials having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more.

2. Any bus or similar vehicle designed or used for the transportation of persons having a

manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more.

B. The restrictions imposed by this Section shall not apply to the following types of vehicles:

1. Public or private school buses when used for the purpose of transporting students to and from school or school activities.
2. City equipment and vehicles.
3. Any bus or similar vehicle used and operated by a public entity for the provision of public transportation services.
4. The driving or parking of any commercial vehicle or truck for the limited purpose of making a pickup or delivery as part of a regular commercial transaction.
5. The driving of any motor home, or the towing of any recreational trailer, fifth-wheel, or other similar recreational vehicle, and the parking of any such vehicle which is eighteen feet (18') or less in length.

Chapter 04

RULES FOR STOPPING, STANDING, AND PARKING

Sections:

- 10.04.010 Compliance Required.**
- 10.04.020 State Provisions Controlling.**
- 10.04.030 Zone Marking, Sign, and Curb Painting Conformance.**
- 10.04.040 Parallel Parking.**
- 10.04.050 Angle Parking.**
- 10.04.060 Temporary Parking Signs.**
- 10.04.070 Curb Markings Designated.**
- 10.04.080 Prohibited or Limited Parking Areas.**
- 10.04.090 Off-Street Privately Financed Facilities.**
- 10.04.100 Signs Indicating Stopping or Parking.**
- 10.04.110 Special Parking Permit for Commercial Vehicles for Construction Work or Construction Equipment.**
- 10.04.120 Truck or Trailer Parking.**
- 10.04.130 Standing or Parking in Excess of 72 Hours.**
- 10.04.140 On-Street Parking – Sight Distance.**
- 10.04.150 Washing Vehicles in Streets.**
- 10.04.160 Repairs and Maintenance of Vehicles in Streets.**
- 10.04.170 Taxi Stands.**
- 10.04.180 Bus Zones.**
- 10.04.190 Parking Adjacent to Schools.**
- 10.04.200 Regulating Parking.**
- 10.04.210 Repair of Vehicles and Boats in Residential Districts.**
- 10.04.220 Loading Zones.**
- 10.04.230 Curb.**
- 10.04.240 Time Limitations.**

10.04.010 Compliance Required.

The provisions of this chapter prohibiting the stopping, standing, or parking of a vehicle shall apply at the 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.

10.04.020 State Provisions Controlling.

The provisions of this title imposing a time limit on standing or parking of vehicles shall not release any person from the duty to observe other and more restrictive provisions of the California Vehicle Code or the ordinances of the City.

10.04.030 Zone Marking, Sign, and Curb Painting Conformance.

Every vehicle parked on streets and portions of streets shall be parked in accordance with applicable traffic control devices, including all zones marked, signs posted and curbs painted or marked.

10.04.040 Parallel Parking.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of traffic and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb line or edge of the curb indicated by such marks or signs.

10.04.050 Angle Parking.

A. No person shall stand or park a vehicle upon those streets which have been marked or signed by the City for angle parking unless parked at the angle to the curb indicated by such marks or signs.

B. The City Engineer shall determine those streets upon which angle parking shall be permitted, other than state highways where such parking is prohibited by the California Vehicle Code, and the City Engineer shall indicate such places by placing white lines upon the surface of the roadway indicating the angle at which parking is permitted.

C. At no time shall any person park a vehicle on a highway at an angle to the roadway except to comply with the directions of a traffic officer.

10.04.060 Temporary Parking Signs.

A. Whenever the Chief of Police or City Engineer determines that an emergency congestion is likely to result from the holding of public or private gatherings or functions or for other reasons, the Chief of Police or City Engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys. Such signs shall remain in place only during the existence of the emergency congestion and the Chief of Police or City Engineer shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park, or stand any vehicle contrary to the direction and provisions of such signs.

10.04.070 Curb Markings Designated.

A. The City Engineer is hereby authorized, subject to the provisions and limitations of this title to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations.

B. Curb markings shall have the following meanings:

1. **Red** means no stopping, standing, or parking at any time except as permitted by the

California Vehicle Code; provided, that a bus may stop in a red zone which has been marked or signed as a bus loading zone.

2. **Yellow** means no stopping, standing, or parking at any time between 8:00 a.m. and 10:00 p.m., unless otherwise posted by signs, pavement, or curb markings, for any reason other than the loading of passengers or materials; provided, that the loading and unloading of materials shall take no more than twenty (20) minutes.

3. **White** means no stopping, standing, or parking at any time of any day for any purpose other than the loading or unloading of passengers; provided, that such loading or unloading shall not exceed three (3) minutes, except that licensed taxis may park or stand in a designated taxi stand longer than three (3) minutes.

4. **Green** means no stopping, standing, or parking for more than time specified on signs posted in the particular green zone.

5. **Blue** means no parking, standing, or stopping other than by vehicles which display a distinguishing license plate or placard issued pursuant to California Vehicle Code sections 5007, 22511.55, and 22511.59. Blue parking zones are subject to any temporary parking prohibitions established by the City. Blue-curb parking spaces shall be operative twenty-four (24) hours a day, Sundays and holidays included.

a. On-street parking and publicly own facilities. The City shall designate special “blue curb” parking spaces for the purpose of providing on-street parking and off-street parking in publicly owned or controlled parking facilities for exclusive use by handicapped persons.

b. Off-street or privately financed facilities. Privately owned and operated parking facilities may reserve parking stalls for exclusive use by physically handicapped persons.

c. Identification. The City Engineer shall develop guidelines for identifying Blue curb parking spaces in conformity with California Vehicle Code Sections 22511.7 and 22511.8.

C. When the City Engineer has caused curb markings to be placed for exclusive use by physically handicapped persons, no person shall stop, stand, or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

D. Parking zones for the physically handicapped are subject to any temporary parking prohibitions established by the City.

10.04.080 Prohibited or Limited Parking Areas.

It is unlawful for the operator of a vehicle to stop the 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 a traffic sign or signal:

In addition to the prohibitions contained in California Vehicle Code sections 22500 *et seq.*, except as otherwise stated in this title, a person shall not stop, stand or park a vehicle:

- A. In a bus stop zone, except a passenger bus;
- B. On any off-street public property unless a traffic control device indicates that such action is permitted, and then only in accordance with direction of such traffic control device;
- C. In any marked loading zone, except for the purpose of loading or unloading passengers or materials, within the proscribed limitations of this chapter
- D. In any alley except while in the process of actively loading or unloading persons or materials in the alley as long as such process does not exceed the posted time limits or any time limits specified by resolution;
- E. In any limited-time parking space in excess of the number of minutes legally permitted;
- F. In such a manner that any part thereof extends outside of or beyond the designated parking space;
- G. In any space where parking is restricted to certain kinds of vehicles, such as “official City vehicles only” or “police vehicles only”;
- H. In any pedestrian crosswalk whether marked or unmarked;
- I. Into any traffic lane or which obstructs traffic;
- J. On any sidewalk, or in front of any driveway;
- K. On the roadway side of any vehicle stopped, parked or standing at the curb or edge of a highway;
- L. Within five (5) feet on either side of that portion of a curb which has been cut down, lowered or constructed to provide wheelchair accessibility to the sidewalk;
- M. On certain streets or portions thereof during all or certain hours of the day if in violation of signs or markings;
- N. In any preferential or restricted parking zone which requires a permit, if a valid and appropriate permit is not displayed, or while displaying an appropriate permit which has been tampered with, has been reported as lost or stolen, or if the permit is displayed in a

vehicle which is not authorized to use such permit;

O. Within an intersection or along the curved portion of the curb or roadway edge of any corner of an intersection;

P. Within any tunnel, upon any bridge, or viaduct;

Q. On any street, alley, or public parking facility owned or controlled by the City, if it obstructs the free use of such street, alley, or any public parking facility;

R. On private property, unless given direct or implied consent of the owner or person in lawful possession of such property;

S. On any street in the City when signs authorized by the City Council are in place giving notice that parking thereon is prohibited.

T. No parking within twenty feet (20') of any pump station when the appropriate signs and/or markings giving adequate notice of the restriction have been placed.

U. Upon all streets within the City which the City Council shall by resolution designate and upon which curb surface within such area shall be painted with red paint or other red material, omitting any crosswalk area, or by placing and maintaining appropriate signs directing that the stopping of vehicles be prohibited.

V. No parking on front yards or areas prohibited by Title 18 of the Municipal Code.

10.04.090 Off-Street Privately Financed Facilities.

A. The City Council may by resolution find and declare that privately owned and maintained off-street parking facilities within the City are generally held open for use of the public for purposes of vehicular parking. After a public hearing held pursuant to Section 21107.8 of the California Vehicle Code, California Vehicle Code Sections 22350, 23103, and 23109 shall apply to privately owned and maintained off street parking facilities within the City when a sign is posted pursuant to Section 10.04.090(B).

B. If the City Council finds and declares that that privately owned and maintained off-street parking facilities within the City that are generally held open for use of the public for purposes of vehicular parking, pursuant to Section 10.04.090(A), operators of privately owned and maintained off-street parking facilities within the City shall post in a conspicuous place at each entrance of such off-street parking facility, a notice of not less than seventeen inches by twenty two inches (17" X 22") in size with lettering not less than one inch (1") in height to the effect that each such off-street parking facility is subject to public moving vehicle laws and may be subject to a parking invoice fee.

C. The City Council may by resolution find and declare that there are privately owned and

maintained off-street parking facilities within the City that are generally held open for use of the public for purposes of vehicular parking and make the provisions of this Chapter applicable to such off-street privately financed parking facilities.

10.04.100 Signs Indicating Stopping or Parking.

The City Engineer is authorized to appropriately sign or mark the following places, and when so signed or marked, no person shall stop, stand, or park a vehicle in any of said places:

- A. At any place within thirty (30) feet of a crosswalk at an intersection in any business district except that a bus may stop at a designated bus stop;
- B. Within fifty (50) feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device;
- C. At any place where the City Engineer determines that it is necessary or desirable.

10.04.110 Special Parking Permit for Commercial Vehicles for Construction Work or Construction Equipment.

A permit issued by the City Engineer must be obtained prior to:

- A. Parking a commercial vehicle for construction work in a limited or prohibited parking area. Such permit may be granted only after the applicant presents a valid business license and building or encroachment permit;
- B. Parking any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more on any street in any district zoned residential. This requirement shall not apply to any commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on such restricted streets or delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained;
- C. Parking any equipment used for construction or construction equipment of any type on any City street, parking lot or property.

10.04.120 Truck or Trailer Parking.

No person shall park a truck and trailer, semi-trailer, or commercial vehicle, aside from those for construction work, of any type having an over-all length in excess of twenty-two (22) feet, or a maximum gross weight limit in excess of five (5) tons, in the parking area of any city street on which angle parking is required, or in the parking area of any City street not designated as a truck route pursuant to Section 10.02.040 of this Code. However, such vehicles may park temporarily for pickups and deliveries as permitted by Section 10.02.040 of this Code, but in no event shall parking be allowed for more than two hours.

10.04.130 Standing or Parking in Excess of 72 Hours.

A. No person who owns or has possession, custody or control of any vehicle, including but not limited to any boat, trailer, or Recreational Vehicle, shall park or leave such vehicle standing upon any City street, highway, or alley for more than seventy-two (72) consecutive hours. For purposes of this section, a vehicle shall be considered to have been parked or left standing for seventy-two (72) or more consecutive hours if it has remained inoperable or has not been moved at least one (1) mile during said period. Obstruction of the odometer of a vehicle shall give rise to a presumption that the vehicle has not been moved as required by this section and the odometer reading shall be presumptively correct.

B. In the event a vehicle is left parked or standing upon a City street, highway, or alley in violation of this section, it may be removed or towed; provided, that a warning notice has been placed on the windshield or other conspicuous place on the vehicle (if it has no windshield) advising that such removal or towing will occur without any further notice or warning seventy two (72) hours after the posting of the notice. Any member of the Police Department authorized by the Chief of Police may remove the vehicle from the street in the manner and subject to the requirements of the Vehicle Code or issue a citation in lieu of towing removal.

C. No boat, trailer, or Recreational Vehicle shall be re-parked or returned to any location within one-half (0.5) mile of the location where it was first parked sooner than seventy-two (72) hours following the time that it was first moved.

10.04.140 On-Street Parking – Sight Distance.

No person shall park a vehicle on any street within such a distance from an intersection, driveway or crosswalk where such parking impairs the sight distance for vehicles or pedestrians entering a street.

The City Engineer may place and maintain signs, curb markings, or other devices necessary to provide sufficient sight distance at an intersection, driveway or crosswalk in accordance with City Council adopted sight distance standards.

10.04.150 Washing Vehicles in Streets.

No person shall dust, wipe, wash or otherwise clean, use or employ any method of dusting, wiping, washing or otherwise cleaning any vehicle or portion thereof while on any street unless such vehicle is owned by or is under the direct control or supervision of the person doing any of the acts herein enumerated.

10.04.160 Repairs and Maintenance of Vehicles in Streets.

A. No person shall add oil to or change the oil of a motor vehicle while such motor vehicle is parked or standing on any street.

B. No person shall repair any motor vehicle while such motor vehicle is parked or standing on any street, excepting as follows:

1. Repairs and maintenance work may be done if the required work can be completed within two hours from the time the work commences; and
2. Such repairs are not likely to result in oil or gas being spilled on the street.

10.04.180 Bus Zones.

A. The City Engineer may establish bus zones for the loading and unloading of buses of common carriers of passengers and to determine the location thereof subject to the limitations set forth in this section.

B. No bus zone shall exceed eighty (80) feet in length. However, the City Engineer may extend bus zones up to a total length of 130 feet upon receiving evidence demonstrating necessity thereof.

C. Bus zones shall be established on the far side of an intersection, unless not reasonably feasible.

D. Bus zones shall be indicated by signs or by red curbing marked as a bus loading zone.

E. No bus shall stand in any bus zone longer than necessary to load or unload passengers.

10.04.190 Parking Adjacent to Schools.

A. The City Engineer is authorized to place signs and to place markings on curbs, pavement, and similar areas to provide adequate control for vehicle parking and loading upon any street or portion thereof adjacent to any school property in accordance with traffic engineering and safety standards and instructions set forth in policies and warrants for traffic control devices near schools.

B. No person shall park a vehicle where official signs or markings are installed indicating no parking upon a street or portion thereof adjacent to any school property.

10.04.200 Regulating Parking.

A. Whenever the Chief of Police, City Engineer or Director of Public Works determines that traffic congestion or conflict is likely to result from construction or maintenance work, the holding of public or private assemblages, gatherings, or functions or for the movement of equipment, articles, or structures of unusual size interfering with normal flow of traffic, those officials shall have authority to restrict the operation, parking or standing of vehicles at the particular streets, alleys, or public parking facilities determined to be necessary or desirable to avoid such traffic congestion or conflict.

B. When signs, devices, or barricades 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. The Chief of Police may remove vehicles parking or standing in violation of the signs or barricades erected pursuant to this section. The Chief of

Police shall comply with the requirements of the California Vehicle Code section 22852 relating to post-storage notice and hearing for registered owners and legal owners of record when removing a vehicle pursuant to this section.

10.04.210 Repair of Vehicles and Boats in Residential Districts.

A. The City Council has determined that the repairing or dismantling of vehicles and boats in public view in residential districts has a negative impact on the livability and appearance of the City, on the availability of driveways for parking, on property values and can pose safety and health hazards to children and adults. The City Council hereby makes the finding that the public health, safety and welfare require the prohibition of repairing or dismantling of vehicles or boats in public view in residential districts, except under certain circumstances.

B. Except as otherwise provided in this chapter, no person shall perform routine maintenance in public view in a residential district on a vehicle or boat, unless Such person is the lawful resident of the property where the routine maintenance is being performed;

C. Except as otherwise provided in this chapter, no person shall perform major repairs in public view in a residential district on a vehicle or a boat unless as follows:

1. Such person is the lawful resident of the property where the major repair is being performed;
2. In a fully enclosed garage or building, or behind a six (6) foot fence or gate capable of screening the boat or vehicle and parts thereof from public view; and
3. The door of such garage or building or the fence gate is closed when repairs are not in progress.

D. It is unlawful to perform major repairs in a residential district on any vehicle or boat within a carport which is exposed to public view.

E. It shall be unlawful for more than two boats or vehicles to be under major repair or stored at any one time, in a residential district, except if located within a fully enclosed garage or building.

F. It shall be unlawful to spray paint a vehicle or boat, panels or parts thereof in a residential district.

G. All vehicles or boats in public view in a residential district, shall display current registration and shall be operational. Proof of operational status and current registration shall be provided upon the request of a City official.

H. No monies or anything of monetary value may be charged, exchanged, given or received for major repairs or routine maintenance performed in any residential district.

I. Routine maintenance or major repairs in residential districts and testing of any vehicle or boat shall take place between the hours of 8:00 a.m. and 9:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 9:00 p.m. Sundays and holidays.

J. Routine maintenance in a residential district shall be completed within a seventy-two (72) consecutive hour period after the maintenance has begun, and shall not exceed this time period.

K. Upon completion of any work authorized by this section, all debris, oil, grease, gasoline, rags, equipment, parts or materials shall be disposed of in a lawful manner where it is not visible from the street or other public or private property. Hazardous materials shall be disposed of in a lawful manner and in accordance with state, county and city regulations.

10.04.220 Loading Zones.

It is unlawful for the operator of a vehicle to stop the vehicle for longer than is necessary for the loading or unloading of passengers or materials in any loading zone, which the City Council shall establish by resolution; and, which shall be indicated by a yellow line painted upon the curb within such zone or by appropriate signs designating such zone. The maximum length of time that a vehicle may park in a loading zone shall be twenty (20) minutes, unless otherwise provided in the resolution.

10.04.230 Curb.

The operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the curb and with the two (2) right-hand wheels of the vehicle within eighteen inches (18") of the regularly established curb line, except that upon those streets which have been marked for angle parking, as provided in this Section, vehicles shall be parked at an angle to the curb indicated by such marks, and with the front end of such parked vehicle closest to the curb; excepting City vehicles and construction equipment subject to Police Department approval.

The City Council, by resolution, is authorized to determine upon which streets angle parking shall be permitted and to indicate such places by painting of lines upon the surface of the roadway to establish the proper angle for parking. Vehicles shall be parked within lines or individual parking space.

10.04.240 Time Limitations.

The operator of a vehicle shall not park such vehicle upon certain streets within the City for a longer time than the City Council shall, by resolution, designate, and provided proper signs or proper markings are maintained or placed within such area stating the limits within which parking shall be allowed or by the painting or coloring of the curb area within such limits a distinct color.

Chapter 05

BICYCLES

Sections:

- 10.05.010 Applicability of Traffic Regulations.**
- 10.05.020 Regulations for Bicycle Operation.**
- 10.05.030 Clinging to Moving Vehicle.**
- 10.05.040 Riding on Streets.**
- 10.05.050 Vehicles Prohibited from Bicycle Paths.**
- 10.05.060 Passengers on Vehicles and Other Devices.**
- 10.05.070 Towing.**
- 10.05.080 Racing.**
- 10.05.090 Bicycle and Motorcycle Parking Zones.**
- 10.05.100 Bicycle Parking Zones.**
- 10.05.110 Bicycle Parking Regulations.**

10.05.010 Applicability of Traffic Regulations.

Every person operating a bicycle upon a street, alley, sidewalk, or other public way shall be granted all the rights and be subject to all the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles or by the ordinances of this City applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature have no application.

10.05.020 Regulations for Bicycle Operation.

It shall be unlawful for any person to ride or operate a bicycle in the City in violation of the rules of the road as set forth herein:

- A. No person shall operate a bicycle upon a sidewalk within the downtown Business District, or upon any sidewalks in front of schools, stores, or other buildings used for business or for public assembly.
- B. Whenever a person operates a bicycle upon a sidewalk not expressly prohibited in subsection (A), such person shall at all times yield the right-of-way to all pedestrians.
- C. No bicycle on any sidewalk shall be used to carry more persons than the number for which it is designed and equipped.
- D. Persons operating bicycles upon a sidewalk or other pedestrian facility shall not ride abreast with another bicycle except on paths or parts of public ways set aside for the exclusive use of bicycles.

E. No person shall park a bicycle upon any street, sidewalk, alley, or other public way other than immediately adjacent to the curb or edge of the traveled way or in a rack to support the bicycle or against a building, in such a manner as to afford the least obstruction to both pedestrian and vehicle traffic. When a rack is provided, no person shall park a bicycle, except in such a rack, on an adjacent street, sidewalk, alley or other public way within two hundred (200) feet from such rack.

F. No person shall operate a bicycle upon any playground or park or school ground, except on established paths or walkways, without permission of the person having supervision thereof.

10.05.030 Clinging to Moving Vehicle.

Any person riding upon any bicycle, motorcycle, coaster, roller skates, or any toy vehicle shall not attach the same or himself or herself to any moving vehicle upon any roadway.

10.05.040 Riding on Streets.

Any person riding or operating a bicycle upon any street where a bicycle lane or path appropriate to his direction of travel is established and officially designated may ride or operate such bicycle in such bicycle lane or path or on the sidewalk where otherwise allowed by this code.

10.05.050 Vehicles Prohibited From Bicycle Paths.

No person shall operate a vehicle within an established and officially designated bicycle path except for purposes of ingress or egress to and from driveways, or for purposes of intersectional travel.

10.05.060 Passengers on Vehicles and Other Devices.

No person riding or operating a bicycle, when upon a public right-of-way or lands owned or controlled by the City, shall carry another person upon the bicycle. This prohibition shall not apply to bicycles built for two persons to ride and propel or to the carrying of a child when the child is securely fastened to a seat designed to carry a child.

10.05.070 Towing.

No person riding or operating a bicycle, moped, motorcycle, sled, toy vehicle, or any other similar human-powered or motor-powered device upon a public right-of-way or land owned or controlled by the City shall tow any other vehicle or person, including a skateboard, except that bicycle trailers used for delivery or transportation of newspapers, magazines, people, or merchandise may be towed.

10.05.080 Racing.

No person riding or operating a bicycle, moped, skateboard, roller skates, skateboards, sled, toy vehicle, or any other similar human-powered or motor-powered device upon a public right-of-way or any property or facilities owned or controlled by the City, shall participate in any race, speed, or endurance contest unless the contest organizer obtains the written permission of the City Manager and the Chief of Police, or his or her designee, supervises the contest.

10.05.090 Bicycle and Motorcycle Parking Zones.

The City Council may designate a zone for the exclusive parking of bicycles and motorcycles. When such a zone is established, the City Engineer shall cause appropriate signs or markings to be placed.

10.05.100 Bicycle Parking Zones.

When the City Engineer determines that the establishment of a bicycle parking zone is necessary for the regulation of traffic or to provide facilities for the temporary parking of bicycles being operated upon the public streets, or to safeguard life or property, he or she is authorized to set aside a space on the street not more than thirty-six (36) feet in length for the parking of bicycles during such hours of such days as are found by him or her to be best suited for the accomplishment of the purposes set forth in this section. When a bicycle parking zone is so established, the City Engineer shall cause appropriate signs to be posted during such hours, giving notice that parking of other vehicles is prohibited.

10.05.110 Bicycle Parking Regulations.

A. No person shall park a bicycle against any window or parking meter or on the main-traveled portion of the sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic, or property.

B. When bicycle parking spaces have been established and designated by official signs and markings pursuant to this chapter, no person shall park a bicycle in the vicinity thereof except in such bicycle parking spaces.

Chapter 06

DISABLED PARKING PROVISIONS

Sections:

10.06.010 Disabled Parking Provisions.

10.06.020 Disabled Person Parking in Municipal and Off-Street Parking Lots.

10.06.010 Disabled Parking Provisions.

A. The disabled person parking provisions contained in California Vehicle Code section 22511.5 *et seq.* shall apply within the City.

10.06.020 Disabled Person Parking in Municipal and Off-Street Parking Lots.

A. A sign not less than seventeen inches by twenty two inches (17" × 22") in size must be posted either at the entrance to the parking facility or immediately adjacent to and visible from the reserved stall(s), which states with lettering not less than one inch (1") in height:

1. "Unauthorized vehicles not displaying distinguishing license plates or placards issued for physically handicapped persons will be issued citations"; or
2. "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owner's expense. Towed vehicles may be reclaimed at the City of Ceres Police Department or by telephoning (209) 538-5712.
"

B. The provisions of California Vehicle Code section 22507.8 shall be applicable to all off-street parking lots and facilities owned or operated by the City if, immediately adjacent to and visible from each stall or space designated for disabled persons or disabled veterans in said lot and facilities, there is posted a sign consisting of a profile view of a wheelchair with occupant in white on a blue background and by either of the following markings:

1. By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant; or
2. By outlining a profile view of a wheelchair with occupant in white on a blue background, of the same dimensions as in subsection (A) of this section. The profile view shall be located so that it is easily visible to a traffic enforcement officer when a vehicle is properly parked in the stall or space.
3. All signs shall be posted at a height of eighty inches (80") from the ground.

C. It is unlawful to stop, stand or park a vehicle in a City off-street parking lot or facility in a stall or space designated for disabled persons or disabled veterans unless the vehicle displays one (1) of the distinguishing license plates or a placard issued pursuant California Vehicle Code sections 5007, 22511.55, or 22511.59.

D. The operator of the parking facility may then, and only after first contacting the local police or sheriff's department, cause the removal of a violator's automobile from the stall to the nearest public garage.

Chapter 07

MOTOR HOMES, TRAVEL TRAILERS, AND OTHER RECREATIONAL VEHICLES

Section:

10.07.010 Parking or Driving of Motor Homes, Travel Trailers and Other Recreational Vehicles

10.07.010 Parking or Driving of Motor Homes, Travel Trailers and Other Recreational Vehicles

Motor homes, travel trailers, fifth wheels and other similar recreational vehicles may be driven or towed on any street, avenue, alley or thoroughfare within the City. However, it shall be unlawful to park any such vehicle which exceeds eighteen feet (18') in length upon any street, avenue, alley or thoroughfare, unless such street, avenue, alley or thoroughfare has been designated as an unrestricted street pursuant to Section 10.20.040 of this Title, subject to the following exceptions:

A. Such vehicles may be parked upon any public street, avenue or thoroughfare immediately adjoining a residential unit for not to exceed seven (7) days while the owner or user of the vehicle is a guest in the residential unit immediately adjoining the street, avenue or thoroughfare on which the vehicle is parked.

B. Such vehicles may be parked on any public street, avenue or thoroughfare for the sole purpose of performing emergency repairs, or for loading and packing, but in no event longer than seventy-two (72) hours.

Chapter 08

PEDESTRIANS AND PASSENGERS

Sections:

- 10.08.010 Marked Crosswalks Established.**
- 10.08.020 Crosswalk Use Required.**
- 10.08.030 Unnecessary Obstruction of Crosswalk Prohibited.**
- 10.08.040 Pedestrians Disregarding Signals.**
- 10.08.050 Pedestrian Signals.**
- 10.08.060 Pedestrians Causing a Hazard.**
- 10.08.070 Pedestrians Using Roadway When Sidewalk Is Available.**
- 10.08.080 Pedestrians in Bicycle Lanes.**
- 10.08.090 Standing in Roadway for Purpose of Hitchhiking.**
- 10.08.100 Boarding or Alighting from Vehicles.**
- 10.08.110 Playing in Street or Crosswalk Prohibited.**

10.08.010 Marked Crosswalks Established.

The City Engineer shall place and maintain marked crosswalks, by means of pavement markings or other devices, where the City Council determines additional guidance for pedestrians would be beneficial.

10.08.020 Crosswalk Use Required.

A. No pedestrian shall cross a roadway other than by a crosswalk in any Business District.

B. In all other districts, 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.

10.08.030 Unnecessary Obstruction of Crosswalk Prohibited.

No pedestrian shall unnecessarily stop, obstruct, or delay traffic.

10.08.040 Pedestrians Disregarding Signals.

A. Unless otherwise directed by a pedestrian control signal or by a public safety officer, a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.

B. It is unlawful for any pedestrian to fail to obey any sign or signal erected or maintained to indicate or carry out the provisions of the California Vehicle Code or any local traffic ordinance or resolution.

10.08.050 Pedestrian Signals.

Whenever a pedestrian control signal showing the words “walk,” “wait,” or “don’t walk,” or other approved symbol is in place, the signal shall indicate as follows:

A. “Walk” or “Walking Person” Symbol. A pedestrian facing the signal may proceed across the roadways in the direction of the signal, but shall yield the right-of-way to vehicles lawfully in the intersection at the time the signal is first shown.

B. Flashing or Steady “Don’t Walk,” “Wait,” or “Upraised Hand” Symbol. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed crossing shall proceed to a sidewalk or safety zone or, while the “wait,” “don’t walk,” or approved “upraised hand” symbol is showing.

10.08.060 Pedestrians Causing a Hazard.

A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the street in path of a vehicle, which is so close as to constitute an immediate hazard, whether or not in a crosswalk.

10.08.070 Pedestrians Using Roadway When Sidewalk Is Available.

A pedestrian shall not walk, run, or jog on the roadway when there is an adjacent sidewalk or other appropriate facility available. If there is no sidewalk or other facility available, the pedestrian may walk, run or jog upon the roadway edge that is close to his or her left hand and facing traffic.

10.08.080 Pedestrians in Bicycle Lanes.

A pedestrian shall not proceed along a bicycle path or lane where there is an adjacent sidewalk.

10.08.090 Standing in Roadway for Purpose of Hitchhiking.

A person shall not stand in a roadway for the purpose of soliciting a ride from the driver of a vehicle.

10.08.100 Boarding or Alighting from Vehicles.

A person shall not board or alight from any motor vehicle while such motor vehicle is in motion.

10.08.110 Playing in Street or Crosswalk Prohibited.

No person shall play in any public street or crosswalk.

Chapter 09

SKATE PARK RULES AND REGULATIONS

Sections:

- 10.09.010 Purpose and Intent.**
- 10.09.020 Type of Devices Permitted/Prohibited.**
- 10.09.030 Protective Gear Required.**
- 10.09.040 Additional Regulations.**
- 10.09.050 Signs, Violations and Penalties.**
- 10.09.060 Tobacco Products Prohibited.**

10.09.010 Purpose and Intent.

The purpose and intent of this Chapter is to regulate public use of any City-owned skate park in the City that is designed and maintained for the purpose of recreational skateboard, roller skates and in-line skate use, and is not supervised by the City on a regular basis.

10.09.020 Type of Devices Permitted/Prohibited.

Only skateboards, roller skates, in-line skates, and similar devices used to transport a person by means of muscular power may be used upon any City-owned skate park. All other devices, including but not limited to, bicycles, tricycles, quadri-cycles, scooters, and any motorized devices, are prohibited from use upon any City-owned skate park.

10.09.030 Protective Gear Required

At any City-owned skate park, no person shall ride or use a skateboard, roller skates, in-line skates, or similar devices unless that person is wearing a protective helmet, elbow pads, knee pads and wrist guards which are sufficient to protect the participant from risk of injury.

10.09.040 Additional Regulations.

In addition to the rules, regulations and restrictions set forth in this Chapter, the City Council may, from time to time, adopt by resolution such additional regulations as may be deemed necessary to regulate the use of the skate park.

10.09.050 Signs, Violations and Penalties.

After the posting of signs affording reasonable notice to persons using any City-owned skate park of the provisions of this Chapter and any rules and regulations adopted by resolution of the City Council, any person violating said provisions or rules and regulations shall be guilty of an infraction which shall be punishable as set forth in Section 19.02.030.

10.09.060 Tobacco Products Prohibited.

It shall be unlawful to use tobacco products of any kind, including, but not limited to, chewing tobacco, cigars and cigarettes, in or upon any City Skate Park Facility or within fifty feet (50') of

the exterior boundaries of such facilities, and to discard lighted or unlighted cigars or cigarettes in said areas.

After the posting of signs affording reasonable notice to persons of this restriction, any person violating this provision shall be guilty of an infraction, which shall be punishable by a fine of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for any subsequent offense within a twelve-month period from the conviction for the first offense.

Chapter 11

USE OF ENGINE OR TRANSMISSION BRAKING DEVICES

Sections:

10.11.010 Findings.

10.11.020 Prohibition.

10.11.030 Exception.

10.11.010 Findings.

The City Council finds that the use of engine or transmission braking devices or methods, otherwise known as "jake braking" or "dynamic braking," within the City limits creates unusual and excessive noise that unreasonably disturbs and annoys residents. The prohibition of such devices and methods is necessary to protect the health, safety, and public welfare of the City.

10.11.020 Prohibition.

No person may slow a vehicle by a device, method, or practice known as engine or transmission braking, also referred to as "jake braking" or "dynamic braking," whereby rapid downshifting of a vehicle's engine or a compression release device is used in lieu of applying a vehicle's wheel brakes, causing loud noises to emit from the vehicle's engine and exhaust system. Such braking by any motor vehicle on any public highway, street, parking lot, or alley within the city is declared to be a public nuisance and is prohibited.

10.11.030 Exception.

The foregoing provision does not apply to emergency vehicles.

Chapter 12

STREETS AND ALLEYS

Sections:

- 10.12.010 General Provision.**
- 10.12.020 Authority of City Engineer.**
- 10.12.030 Traffic Control through Certain Streets and Alleys.**
- 10.12.040 Emerging from Alley or Driveway.**
- 10.12.050 Use Restrictions.**

10.12.010 General Provision.

It is unlawful for a driver to drive or operate a vehicle in any direction contrary to the designated direction marked by signs or other markings on streets.

10.12.020 Authority of City Engineer.

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

10.12.030 Traffic Control through Certain Streets and Alleys.

Whenever an ordinance or resolution of the City designates an alley or street as one-way, no person shall drive any vehicle through the alley or street except in the direction authorized, or to stop or park any vehicle in any such alley except on the side thereof designated by the City Engineer. The City Engineer shall erect signs on one-way alleys indicating the side or portion thereof upon which loading or unloading is authorized.

10.12.040 Emerging from Alley or Driveway.

The driver of a vehicle emerging from an alley or driveway onto any public street shall stop such vehicle immediately prior to driving onto a sidewalk area extending across any alley or driveway pursuant to any posted stop sign.

10.12.050 Use Restrictions.

It is 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 described in Section 10.04.120, to operate the vehicle upon any street other than unrestricted streets, avenues, or thoroughfares, for any purpose other than to make a pickup or delivery, or to service or secure repairs to the vehicle. In traveling to or from the point of pickup, or delivery, or to service or repair of the vehicle, the operator of the vehicle shall drive as far as possible upon and over an unrestricted street, avenue or thoroughfare.

Chapter 13

RIGHTS-OF-WAY

Sections:

10.13.010 Stop Signs.

10.13.020 Yield Right-of-Way Signs.

10.12.010 Stop Signs.

The City Engineer is authorized to erect and maintain stop signs at those locations where he or she deems such controls to be necessary 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.

10.12.020 Yield Right-of-Way Signs.

The City Engineer is authorized to erect or cause to be erected yield right-of-way signs at one or more approaches to an intersection of streets and highways in the City which are not through streets.

Chapter 14

ABANDONED VEHICLES

Sections:

- 10.14.010 Declaration of Nuisance–Definitions.**
- 10.14.020 Applicability of Chapter.**
- 10.14.030 Enforcement.**
- 10.14.040 Alternative Means of Enforcement.**
- 10.14.050 Right of Entry.**
- 10.14.060 Administrative Costs Assessment.**
- 10.14.070 Abatement and Removal Authority.**
- 10.14.080 Abatement Notice.**
- 10.14.090 Appeal–Hearing.**
- 10.14.100 Removal–Authority.**
- 10.14.110 Removal–Notice to Owners and Department of Motor Vehicles.**
- 10.14.120 Disposition of Abandoned Vehicle.**
- 10.14.130 Administrative Costs and Removal Costs Assessment–Delinquent Action.**
- 10.14.140 Abandoned Vehicles on Public or Private Property, Excluding a Highway.**
- 10.14.150 Removal Compliance Required.**

10.14.010 Declaration of Nuisance–Definitions.

In addition to and in accordance with the authority granted by California Vehicle Code section 22660, the City Council makes the following findings and declarations with respect to the removal of abandoned, wrecked, dismantled, or inoperative vehicles, or parts of such vehicles as public nuisances:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts of such vehicles on private or public property within the City, not including highways, is found to create a condition tending to reduce the value of property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. The presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts of such vehicles, on private or public property within the City, not including highways, except as otherwise expressly permitted in this code, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

As used in this Chapter:

“Appraiser” means a person designated as having the authority to make appraisals of the value of vehicles pursuant to California Vehicle Code section 22855 and includes such employees of the

City designated by the City Council, by resolution, to perform this function.

“Abandoned Vehicle” means a neglected, wrecked, dismantled or inoperative vehicle that is left on public property, including any right of way, or private property. Abandoned Vehicles do not include vehicles of historic value that are in an active state of renovation or restoration.

“Active State of Renovation or Restoration” means a vehicle that is actively being restored or renovated in a manner intended to make the vehicle operational.

“Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Highway” includes street.

“Non-Operable” means a vehicle and is registered with the California Department of Motor Vehicles as non-operable.

“Owner of the land” means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll of Stanislaus County.

“Owner of the vehicle” means the last registered owner and legal owner of record.

“Public property” does not include “highway.”

“Sworn statement” shall be one made and executed by the declarant under penalty of perjury of the laws of the State of California.

“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.

“Vehicle of Historic Value” means a vehicle that qualifies for historical vehicle plates pursuant to California Vehicle Code Section 5004.

10.14.020 Applicability of Chapter.

This Chapter shall not apply to:

A. A vehicle, or parts of a vehicle, which is completely enclosed within a building in a lawful manner or within a side or rear yard enclosed by a screening fencing where it is not visible from the street; or

B. A vehicle or parts thereof, which is located behind a solid fence six feet (6') in height or which is not plainly visible from a highway; or

C. A vehicle, or parts of a vehicle, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted

business or commercial enterprise.

D. A vehicle of historic value that is not abandoned and is in an active state of renovation or restoration.

1. A vehicle of historic value cannot be in an active state of renovation or restoration for a period of more than 90 days, whether consecutive or non-consecutive, out of any 12-month period. A vehicle of historic value may exceed the time period by a written letter to the Community Development Department indicating the extent of renovation and restoration and the timeline for the completion of the renovation and restoration.

2. Under no circumstances may any vehicle of historic value under an active state of renovation or restoration interfere with the peaceful enjoyment of neighboring properties, including unreasonable noise, air emissions illegal water discharges to the storm water system or other environmental factors.

E. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than California Vehicle Code Division 11, Chapter 10 (commencing with California Vehicle Code section 22650) and this Chapter.

10.14.030 Enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be enforced by City Manager, or designee. No officer, employee or agent of the City shall be liable for damage caused to a vehicle or part of a vehicle by removal pursuant to this chapter.

10.14.040 Alternative Means of Enforcement.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It supplements and is in addition to the other regulatory codes, statutes and ordinances enacted by the City, the State, or any other legal entity or agency having jurisdiction. Nothing in this chapter shall be deemed to prevent the City Council from authorizing the City Attorney to commence any other available civil or criminal proceeding to abate a public nuisance under applicable provisions of State law as an alternative to proceedings set forth in this chapter.

10.14.050 Right of Entry.

The City Manager, or designee, or any person or persons with whom the City Council has contracted to provide such services shall be authorized to enter upon private property or public property to enforce the provisions of this Chapter. If the City Manager, or designee, or any person or persons with whom the City Council has contracted to enforce this Chapter, is refused access to a property, or any part thereof, the City Manager or designee, shall seek issuance of an inspection warrant from the Stanislaus County Superior Court. Such warrant shall be served at reasonable hours by the City Manager, or designee, pursuant to applicable state law.

10.14.060 Administrative Costs Assessment.

The City Council shall from time to time determine and fix an amount to be assessed as administrative costs excluding the actual cost of removal of any vehicle or parts thereof under this chapter.

10.14.070 Abatement and Removal Authority.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts of a vehicle, on private property or public property within the City and within public view, the City Manager, or designee shall have the authority to serve abatement notices and City Manager, or designee will cause the abatement and removal in accordance with the procedures prescribed in this chapter.

10.14.080 Abatement Notice.

A. The following abatement notice is required prior to removal of any vehicle or parts of a vehicle as provided in this chapter:

1. A ten (10) day notice of intention to abate and remove the vehicle (the “notice to abate”), or parts of a vehicle, as a public nuisance shall be mailed by certified mail to the owner of the land on which the vehicle, or parts of a vehicle are located, and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

2. The notice to abate sent to the owner of the land shall be substantially in the following form:

NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE
VEHICLE, OR PARTS OF A VEHICLE, AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last, equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Title 10, Section 10.14.030 of the Ceres Municipal Code, has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to license number _____, which constitutes a public nuisance pursuant to the provision of 10.14.010 of the Ceres Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date of mailing of this notice, and upon your failure to do so, the same will be abated and removed by the City and the costs of such abatement and removal, together with administrative costs, assessed to you as owner of the land on which said Vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is

located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing. If such a request is not received by the Code Enforcement Officer within such ten (10) day period, the City Manager, or his/her designee shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn, written statement within such ten (10) day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

You are hereby notified that unless it is determined by a hearing officer at a hearing that the vehicle was placed on your land without your consent and that you have not subsequently acquiesced to its presence on your land, you may be assessed by the City for both the City's administrative costs and its costs of removal of the vehicle, and that assessment will be collected as a tax lien against your land as provided in Sections 25845 or 38773.5 of the California Government Code.

cc: City Clerk

3. The notice to abate sent to the owner of the vehicle shall be substantially in the following form:

**NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE
VEHICLE, OR PARTS OF A VEHICLE, AS A PUBLIC NUISANCE**

(Name and address of last registered or legal owner of record of vehicle – notice should be given to both if different)

As last registered (or legal) owner of record of (description of vehicle – make, model, license, etc.), you are hereby notified that the undersigned pursuant to 10.14.030 of the Ceres Municipal Code has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of 10.14.010 of the Ceres Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice of intention. Alternatively, you may within 10 days from the date of mailing of this notice request a public hearing. If such a request is not received by the Code Enforcement Officer within such ten (10) day period

and the vehicle is not abated, then the City Manager or his/her designee shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing. The City's costs of abatement may be charged to you.

Notice Mailed: _____
cc: City Clerk

B. The notice to abate is not required in the following circumstances:

1. A vehicle or part of a vehicle is inoperable due to the absence of a motor, transmission or wheels and each of the following conditions is found to exist by the City Manager, or designee:

- a. The vehicle or part thereof is incapable of being towed;
- b. The vehicle is located upon a parcel that is (i) zoned for primary agricultural use or (ii) not improved with a residential structure containing one (1) or more dwelling units;
- c. The vehicle or part thereof is valued at less than two hundred dollars (\$200.00) by an appraiser as defined in this article;
- d. The vehicle or part thereof is determined by the enforcement officer to be a public nuisance presenting an immediate threat to public health or safety; and
- e. The property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof; or

2. The property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof.

10.14.090 Appeal–Hearing.

A. The owner of the vehicle and the owner of the land on which the vehicle is located, or both, shall have the right to request a hearing before a hearing officer, pursuant to Chapter 19.11 of the Ceres Municipal Code. All hearings under this Chapter shall comply with Chapter 19.11 of the Ceres Municipal Code.

B. If it is determined at the hearing by the hearing officer that the vehicle was placed on the land without the consent of the owner of the land and that he or she has not subsequently acquiesced in its presence on said land, the hearing officer shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

10.14.100 Removal–Authority.

A. Not sooner than ten (10) days after service of an “Administrative Order” issued by the hearing

officer finding that a vehicle or part of a vehicle has been abandoned, wrecked, dismantled or is inoperative on private or public property and is a public nuisance, the vehicle or parts thereof may be disposed of by the City Manager, or designee, by removal to a scrap yard or automobile dismantler's yard.

B. After a vehicle has been removed it shall not thereafter be reconstructed or made operable unless, pursuant to California Vehicle Code section 5004: (1) The vehicle qualifies for horseless carriage license plates; or (2) the vehicle qualifies for historical vehicle license plates. In either such case, the vehicle may be reconstructed or made operable.

10.14.110 Removal–Notice to Owners and Department of Motor Vehicles.

Prior to final disposition of such a vehicle, or parts of a vehicle, which has been removed from lands under the provisions of Section 10.14.080(B) of the Ceres Municipal Code without the giving of a notice to abate, the City Manager or designee, shall provide notice to the owner of the vehicle of the intent of the City to dispose of the vehicle, or parts of a vehicle, and if the vehicle or part(s) is not claimed and removed from the location specified in the notice where the vehicle or parts of a vehicle are being held, within twelve (12) days after the notice is mailed, final disposition may proceed.

Whenever notification, as required by California Vehicle Code section 22852, cannot be made to the owner of the vehicle, notification shall be given by the enforcement officer to the California Department of Justice, Stolen Vehicle System, in accordance with the provisions of California Vehicle Code section 22853.

Furthermore, within five (5) days after the date of removal of any vehicle or parts of a vehicle under this article, notice shall be given by the City Manager or designee to the Department of Motor Vehicles identifying the vehicle or parts of a vehicle removed and any evidence of registration available, including registration certificates, certificates of title or license plates.

10.14.120 Disposition of Abandoned Vehicle.

Vehicles removed pursuant to this Chapter shall be disposed of by the City Manager or designee in accordance with the provisions set forth in California Vehicle Code sections 22850 through 22856.

10.14.130 Administrative Costs and Removal Costs Assessment–Delinquent Action.

If the administrative costs and the cost of removal which are charged against the owner of the parcel of land pursuant to Section 10.14.010, 10.14.030, 10.14.060 of the Ceres Municipal Code are not paid within thirty (30) days of the date of the order, or the final disposition of an appeal, such costs shall be assessed by the City Council against the parcel of land in the manner provided for in California Government Code section 38773.5 and shall be transmitted by the Finance Director to the Stanislaus County Tax Collector for collection. Notice of such assessment shall be given by the City Clerk as required by California Government Code section 38773.5. The assessment shall have the same priority as other City taxes and shall be subject to the conditions set forth in California Government Code section 38773.5. Any costs required to be

paid for the removal and disposition of any vehicle determined to be abandoned (other than the City's administrative costs) shall not exceed those for towing and seven (7) days of storage at the facility to which vehicles removed from highways by the Police Department are removed and stored.

10.14.140 Abandoned Vehicles on Public or Private Property, Excluding a Highway.

On public or private property, excluding a highway, it is unlawful and an infraction for any person to abandon, park, store, or leave any licensed or unlicensed vehicle or a vehicle which lacks an engine, transmission, wheels, tires, doors, windshield or other major part or equipment necessary to operate safely for a period in excess of ten (10) days unless one of the following conditions apply: (1) the vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or (2) the vehicle has a valid California DMV non-operational permit and is parked in a lawful manner on private property with a properly fitted and maintained vehicle cover that shall not obstruct the visibility of the license plate, or (3) the vehicle or part thereof is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or junk yard. Any person convicted of a violation of this section shall be punished by a fine set forth by a resolution of the City Council, in addition to any costs of removal and disposition of the vehicle that may be assessed pursuant to this Title.

10.14.150 Removal Compliance Required.

It is unlawful and an infraction for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this article or State law where such State law is applicable. Any person convicted of a violation of this section shall be punished by a fine set forth by resolution of the City Council, in addition to any costs of removal and disposition of the vehicle that may be assessed pursuant to this Chapter.

Chapter 15

REGULATION OF PARADES AND SIDEWALK TRAVEL

Sections:

10.15.010	Obstructing Passenger Travel.
10.15.020	Permits Required.
10.15.030	Exceptions
10.15.040	Application for Permits.
10.15.050	Issuance of Permits.
10.15.060	Terms of Permits.
10.15.070	Notices of Rejection.
10.15.080	Appeals.
10.15.090	Alternative Permits.
10.15.100	Late Applications.
10.15.110	Officials to be Notified.
10.15.120	Interference with Parades.

10.15.010 Obstructing Passenger Travel.

It shall be unlawful for any person or group of persons to stand or sit in or upon any public street, alley, sidewalk, or crosswalk in the City so as in any manner to hinder or obstruct the free passage therein of persons passing along the same, or to stand in or at the entrance of any church, hall, theater, or any place of public assemblage so as in any manner to obstruct its entrance

10.15.020 Permit Required.

It shall be unlawful for any person to hold, manage, conduct, aid, participate in, form, start, or carry on any parade, march, ceremony, show, exhibition, pageant, or procession of any kind or any other similar display, or to cause or permit the same, upon any public street, alley, park, or any other public grounds in the City unless there has first been obtained from the City, a permit to do so, and such permit shall be carried by the person heading or leading such activity.

10.15.030 Exceptions.

The provisions of this chapter shall not apply to:

- A. Students of schools going to and from classes or when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities; and
- B. Governmental agencies within the scope of their functions.

10.15.040 Application for Permits.

Any person desiring to conduct or manage a parade shall, not less than thirty (30) days nor more

than ninety (90) days before the date on which it is proposed to conduct such parade, file with the City, a verified application, on a form furnished by the City, setting forth the following information:

- A. The name of the person or organization wishing to conduct such parade;
- B. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible head of such organization;
- C. The name, address, and telephone number of the person who will be the parade chairman and responsible for its conduct;
- D. The name, address, and telephone number of the person or organization to whom the permit is desired to be issued;
- E. The date when such parade is to be conducted;
- F. The route to be traveled, the starting point, and the termination point;
- G. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals; and a general description of the vehicles;
- H. The time when such parade will start and terminate;
- I. Whether such parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- J. The location by streets of any assembly area or areas for such parade; and
- K. The time at which units of the parade will begin to assemble at any such assembly area or areas.

10.15.050 Issuance of Permits.

The City, shall issue a permit as provided for in this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- A. The conduct of such parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- B. The conduct of such parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement, and the areas contiguous thereto, as to prevent normal police protection to the City;

- C. The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- D. The conduct of such parade will not unduly interfere with the movement of fire-fighting equipment en route to a fire or other emergency equipment;
- E. The conduct of such parade is not reasonably likely to cause injuries to persons or property or to provoke disorderly conduct or create a disturbance; and
- F. Such parade is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor; provided, however, the provisions of this subsection shall not prohibit a parade held for the purpose of promoting or publicizing a commercial or trade event of a general nature.

10.15.060 Terms of Permits.

The permit to be issued by the City, shall prescribe the following:

- A. The name of the person or organization wishing to conduct such parade;
- B. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible head of such organization;
- C. The name, address, and telephone number of the person who will be the parade chairman and be responsible for its conduct;
- D. The name, address, and telephone number of the person or organization to whom the permit is desired to be issued;
- E. The date when such parade is to be conducted;
- F. The route to be traveled, the starting point, and the termination point;
- G. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals; and a general description of the vehicles;
- H. The time when such parade will start and terminate;
- I. Whether such parade will occupy all or only a portion of the width of the street proposed to be traversed;
- J. The location by street of any assembly area or areas for such parade;

K. The time at which units of the parade will begin to assemble at any such assembly area or areas; and

L. Any additional conditions the Chief of Police, or designee would like to place.

10.15.070 Notices of Rejection.

The City shall act upon the application for a parade permit within five (5) days after the filing thereof. If the City, disapproves the application, the City, shall mail to the applicant, within ten (10) days after the date upon which the application was filed, a notice of the action, stating the reasons for the denial of the permit. Such notice shall be mailed to the applicant at the applicant's address as given in the application for the parade permit.

10.15.080 Appeals.

Within ten (10) calendar days after receipt of the decision of the City, any person denied a permit, may file with the City Clerk, a written request for a hearing before the City Council. Fees for appeal shall be established by resolution of the City Council. Upon the filing of such a request and payment of fees, the City Clerk shall set the matter for a hearing and shall notify the appellant of the date, time and place of such hearing at least five (5) days before the hearing date. At the hearing, any person may present evidence in opposition to, or in support of, appellant's case. At the conclusion of the hearing, the City Council shall either grant or deny the appeal, and the decision of the City Council shall be final.

10.15.090 Alternative permits.

The City, in denying an application, may authorize the conduct of such parade on a date, at a time, or by a route different from that named by the applicant. Further, the City, may place conditions on such conduct. If the applicant desires to accept the proposed date, time, conditions and route, the applicant shall, within two (2) days after notice of the action of the City file a notice of acceptance with the City. The City shall thereupon issue a permit. Such permit shall conform to the requirements of this chapter.

10.15.100 Late Applications.

The City Manager, or designee shall have the authority, in his or her discretion, to consider any application for a permit to conduct a parade which is filed less than thirty (30) days before the date such parade is proposed to be conducted.

10.15.110 Officials to be Notified.

Immediately upon the granting of a parade permit, the approved permit shall be routed to all Departments in the City and any public transportation or other utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

10.15.120 Interference with Parades.

No person shall, without the consent of the permittee, join or participate in a parade nor in any manner interfere with its progress.

Chapter 16

TURNS

- 10.16.010 General Provisions.**
- 10.16.020 Authority of the City Engineer.**
- 10.16.030 Obedience to Turning Markers at Intersections.**
- 10.16.040 Obedience to No-Turn Signs.**
- 10.16.050 Double Lines.**
- 10.16.060 General Provisions.**
- 10.16.070 Unrestricted Streets; Use Restrictions.**
- 10.16.080 Towing.**
- 10.16.090 Designation.**

10.16.010 General Provisions.

The operator of a vehicle may turn such vehicle either to the right or to the left or turn it so as to proceed in the opposite direction at any intersection within the City except upon those intersections at which one or more methods of turning shall be prohibited by law. The City Engineer is authorized to determine at which intersections within the City the turning of vehicles shall be prohibited and to determine the manner in which vehicles may turn at such intersections and to indicate such places by the erection of appropriate signs or markers.

10.16.020 Authority of the City Engineer.

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

B. The City Engineer shall determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. 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. Such signs may be removed when such turns are permitted.

C. The City Engineer shall determine those intersections within any business or residence district at which drivers of vehicles shall not make a right turn against a red or stop signal and shall erect proper signs giving notice of such prohibition.

10.16.030 Obedience to Turning Markers at Intersections.

No driver of a vehicle shall disobey the directions indicated on authorized markers, buttons, or other signs placed within an intersection.

10.18.040 Obedience to No-Turn Signs.

No driver of a vehicle shall disobey the directions of any authorized sign which indicates that no right turn, left turn, or U-turn is permitted.

10.18.050 Double Lines.

It is unlawful for the driver of any vehicle to cross or drive upon the left hand side of any double line of any City street marked within the City which double line shall have been designated and authorized by the City Council and which has been painted or marked upon such street.

10.18.070 Unrestricted Streets; Use Restrictions

It is 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 described in Section 10.04.120, to operate the vehicle upon any street other than unrestricted streets, avenues, or thoroughfares, for any purpose other than to make a pickup or delivery, or to service or secure repairs to the vehicle. In traveling to or from the point of pickup, or delivery, or to service or repair of the vehicle, the operator of the vehicle shall drive as far as possible upon and over an unrestricted street, avenue or thoroughfare.

10.18.080 Towing.

It is 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 unrestricted streets, avenues, or thoroughfares, for any distance greater than is absolutely necessary.

10.18.090 Designation.

The City Council is authorized to determine and designate unrestricted traffic streets by resolution which designation shall become effective when appropriate signs are in place giving notice of the designation to the public.

Chapter 17

SPEED LIMITS

Sections:

10.17.010 Speed Limits.

10.17.010 Speed Limits

The speed limit established in this Section shall not be revised except upon the basis of an engineering and traffic survey and adopted by the City Council. The speed limits listed herein were adopted pursuant to Ordinance No. 2019-1051.

The prima facie speed limits on the following City streets are established as follows:

1. Aristocrat Dr, Morgan Rd to Malik Dr-speed limit is 25 mph.
2. Blaker Rd, Whitmore Ave to Service Rd-speed limit is 30 mph.
3. Boothe Rd, Hatch Rd to Whitmore Ave-speed limit is 35 mph.
4. Central Ave, Whitmore Pl to El Camino-speed limit is 25 mph.
5. Central Ave, Whitmore Ave to Calcagno-speed limit is 35 mph.
6. Central Ave, Calcagno to Hatch Rd-speed limit is 35 mph.
7. Central Ave, Hatch Rd to River Rd-speed limit is 35 mph.
8. Central Ave, Railroad Ave to Pine St-speed limit is 35 mph.
9. Central Ave, Pine St to Service Rd-speed limit is 35 mph.
10. Eastgate Blvd, Hatch Rd to Whitmore Ave-speed limit is 40 mph.
11. El Camino, Whitmore Ave to Pine St-speed limit is 35 mph.
12. El Camino, Pine St to Don Pedro Rd-speed limit is 45 mph.
13. Evans Rd, Herndon Rd to Richland Ave-speed limit is 30 mph.
14. Evans Rd, Richland Rd to Central Ave-speed limit is 35 mph.
15. Faith Home Rd, Hatch Rd to Whitmore Ave-speed limit is 55 mph.
16. Hatch Rd, SR 99 to Central Ave-speed limit is 45 mph.
17. Hatch Rd, Central Ave to Mitchell Rd-speed limit is 45 mph.
18. Hatch Rd, Mitchell Rd to Boothe Rd-speed limit is 50 mph.
19. Hatch Rd, Boothe Rd to Faith Home Rd-speed limit is 55 mph.
20. Herndon Rd, Whitmore Pl to Hatch Rd-speed limit is 45 mph.
21. Herndon Rd, River Rd to Joyce Ave-speed limit is 30 mph.
22. Malik Dr, Hackett to north end-speed limit is 25 mph.
23. Mitchell Rd, SR 99 to River Rd-speed limit is 40 mph.
24. Moffet Rd, Hatch Rd to Whitmore Ave-speed limit is 35 mph.
25. Moffet Rd, River Rd to Hatch Rd-speed limit is 35 mph.
26. Morgan Rd, north City limits to Whitmore Ave-speed limit is 45 mph.
27. Morgan Rd, Whitmore Ave to Service Rd-speed limit is 45 mph.
28. Railroad Ave, Whitmore Ave to Central Ave-speed limit is 45 mph.
29. Railroad Ave, Central Ave to Industrial Way-speed limit is 45 mph.
30. Richland Ave, River Rd to Hatch Rd-speed limit is 35 mph.

31. Richland Ave, Hatch Rd to Herndon Rd-speed limit is 35 mph.
32. River Rd, Mitchell Rd to Moffet Rd-speed limit is 35 mph.
33. River Rd, Moffet Rd to Central Ave-speed limit is 40 mph.
34. River Rd, Central Ave to Herndon Rd-speed limit is 35 mph.
35. Rockefeller Dr, Whitmore Ave to Morgan Rd-speed limit is 40 mph.
36. Rohde Rd, Mitchell Rd to Moore Rd-speed limit is 45 mph.
37. Service Rd, Central Ave to east City limits-speed limit is 45 mph.
38. Service Rd, Crows Landing to Morgan Rd-speed limit is 50 mph.
39. Service Rd, Morgan Rd to Central Ave-speed limit is 50 mph.
40. Whitmore Ave, Morgan Rd to Blaker Rd-speed limit is 45 mph.
41. Whitmore Ave, Blaker Rd to Mitchell Rd-speed limit is 35 mph.
42. Whitmore Ave, Mitchell Rd to east City limits-speed limit is 45 mph.
43. Whitmore Ave, Morgan Rd to west City limits-speed limit is 45 mph.

Chapter 18

CROSSWALKS

Sections:

- 10.18.010 Designation.**
- 10.18.020 Jaywalking Prohibited.**
- 10.18.030 Crossing at Right Angles Required.**

10.18.010 Designation.

The City Engineer is authorized to fix, establish, and designate by resolution pedestrian crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the streets and roadways within the City.

10.18.020 Jaywalking Prohibited.

No pedestrian shall cross any of the streets or roadways within the City hereafter to be designated by the City Council by resolution, except at a crosswalk or at an intersection.

10.18.030 Crossing at Right Angles Required.

No pedestrian shall cross any street or roadway within the City in any manner other than by a route at right angles to the curb line or by the shortest route to the opposite curb line, except in a marked crosswalk.

Chapter 19

PROHIBITION OF VEHICLES IN PUBLIC PARKS

Sections:

10.19.010 Vehicles Prohibited.

10.19.020 Regulations by City Council.

10.19.010 Vehicles Prohibited.

Except as otherwise provided herein, no person shall drive or maintain any motor vehicle, whether attended or unattended, including all motorcycles, motorbikes and go-carts, upon the driveways, paths or grounds of any public park within the City.

10.19.020 Regulations by City Council.

A. The City Council may, from time to time by resolution, designate certain areas, grounds, paths or driveways within any public park which may be used for vehicular traffic and may place such restrictions on said traffic as it may deem proper.

B. Where the City Council permits vehicular traffic in public parks, all of the provisions of the California Vehicle Code relating to traffic upon public highways shall be applicable, except that where those provisions conflict with regulations imposed by the City Council under this Chapter the regulations imposed by the City Council shall control.

C. The City Council shall cause to be erected and posted within any public park such appropriate signs as may be necessary to give notice of any regulations imposed under this Section.

10.19.030 Exceptions

The provisions of this Chapter shall not apply in the following circumstances:

A. A person driving or maintain a motor vehicle at a permitted special event permitted, who has obtained a waiver or written permission from the City.

B. A person driving or maintaining a public safety vehicle.

C. A person driving or maintaining a City owned or operated maintenance vehicle.

Chapter 20

TOWING

Sections:

10.20.010	Purpose and Intent
10.20.020	Definitions
10.20.030	Applicability
10.20.040	Unlawful Responses.
10.20.050	Unlawful Solicitation
10.20.060	Rotation List.
10.20.070	Permit Required.
10.20.080	Application for Permit.
10.20.090	Application Fees.
10.20.100	Investigation of Applicant.
10.20.110	Towing Service Operator; Department Of Motor Vehicles Pull Notice Program.
10.20.120	Towing Service Operator; Minimum Equipment Standards.
10.20.130	Towing Service Operator; Business and Storage Facility.
10.20.140	Towing Service Operator; Business Records.
10.20.150	Towing Service Operator; Driver Records.
10.20.160	Towing Service Operator; Financial Interest
10.20.170	Towing Service Operator; Response Time.
10.20.180	Issuance of Permit; Towing Service Operator.
10.20.190	Issuance of Permit; Tow Attendant.
10.20.200	Term of Permit.
10.20.210	Non-Transferability of Permit.
10.20.220	Renewal of Permit.
10.20.230	Failure to Renew Permit; Towing Service Operator.
10.20.240	Failure to Renew Permit; Tow Attendant.
10.20.250	Suspension or Revocation of Permit; Towing Service Operator.
10.20.255	Suspension or Revocation of Permit; Tow Attendant.
10.20.260	Rotation Procedures.
10.20.270	Supplemental Regulations.
10.20.280	Administrative Regulations.
10.20.290	Annual Administration and Supervision Fee.

10.20.010 Purpose and Intent.

The City Council finds that it is in the public interest that this Chapter be enacted to prescribe basic regulations for the operation of those towing service operators participating in a rotation system for the removal of and towing away of motor vehicles which are illegally parked, which are involved in an accident, which constitute an obstruction to traffic because of mechanical

failure, or which are otherwise required by law to be towed and/or stored. It is the purpose of the Council in enacting these regulations to provide a fair and impartial means for the Police Department to distribute requests for towing services among qualified firms by establishing a rotation tow program which regulates the number of rotation list providers as necessary to ensure the convenient and economical management of the program and guarantee the continued long-term availability of competent tow service providers necessary to meet the demand for services of the Police Department

10.20.020 Definitions.

The following words and phrases used in this Chapter shall have the following meanings:

“Attendant” means an employee of an operator qualified by knowledge and experience to operate a tow car or tow truck.

“Manage” is the person(s) designated by the towing service operator to act as the representative and agent of the operator in managing day-to-day operations with the same liabilities and responsibilities. Evidence of management includes, but is not limited to, evidence that the individual has power to direct or hire and dismiss employees, control hours of operation, create policy or rules or purchase supplies. A manager may also be an owner.

“Operator” is any person, firm, corporation or association engaged in the business of towing motor vehicles.

“Rotation List” means a list, maintained by the Police Department, of operators from which the Department will make calls for towing services on a sequential basis.

“Service Agreement” means the document through which towing service operator agrees to provide services outlined in this Chapter.

“Tow Car or Tow Truck” means a motor vehicle as defined in Section 615 of the California Vehicle Code.

“Towing Service” means the business of operating tow cars and/or tow trucks in the City for the purpose of towing, moving or removing vehicles from, over or on the public streets thereof.

10.20.030 Applicability

Except as provided in this Chapter, the provisions of this Chapter shall be applicable to those towing service operators who are placed on the rotation list for towing service authorized by this Chapter.

10.20.040 Unlawful Responses.

It shall be unlawful for any person, towing service operator or the agent, attendant or other employee of a towing service operator, whether or not on the rotation list, to respond to any police radio call for the purpose of removing from the public streets and towing away any

vehicle subject to the provisions of this Chapter unless specifically requested to do so by an officer or representative of the Police Department . The owner or operator of any vehicle may request any specific towing service operator be called to remove and tow away his/her vehicle.

10.20.050 Unlawful Solicitation

It shall be unlawful for any person, towing service operator, or the agent, attendant or other employee of a towing service operator, whether or not on the rotation list, to solicit any towing service work which is regulated by this Chapter without first having been requested by the owner or operator of the vehicle or by an officer or representative of the Police Department to provide such towing service work.

10.20.060 Rotation List.

A. The Chief of Police shall establish and maintain a rotation list of towing service operators. The Chief of Police shall have the discretionary authority to determine, from time to time as he may deem necessary, the number of operators placed upon the rotation list. The Chief of Police may, in his discretion, increase or decrease the number of operators on the list as necessary to ensure the convenient and economical management of the rotation tow program and to ensure availability of a sufficient number of financially solvent and competent towing service operators required to meet the needs of the Department for prompt and competent services.

B. The rotation list shall consist of those towing service operators who make application to be included on the list, who meet the requirements of this Chapter, and who are selected from time to time by the Chief of Police to be placed upon the list. Each operator of a towing service selected for placement on the rotation list shall sign a service agreement with the City, which agreement shall include compliance with the provisions of this Chapter.

C. When reducing or increasing the number of towing service operators on the rotation list or filling a vacancy on the list, the selection decision of the Chief of Police shall not be limited by length of service of any providers in the program or length of waiting time of any provider to be placed on the list. The Chief of Police shall consider all factors which he may deem relevant to the selection process, including but not by way of limitation, the quality, number and type of equipment possessed by the provider, their past history or reputation for prompt, courteous and efficient service, and the quality and expertise of their employees.

10.20.070 Permit Required.

Every towing service operator and tow attendant on the rotation list must have a valid permit issued by the Police Department to provide towing services for the Department.

10.20.080 Application for Permit.

A. Any towing service operator that wishes to be considered for placement on the rotation list shall submit an application on forms provided by the Police Department. If the operator is a corporation or partnership, one of the officers or partners shall be designated as the manager and shall complete the application on behalf of the operator.

B. Each tow attendant employed by an operator-applicant or an operator already on the rotation list shall also submit an application on forms provided by the Police Department.

10.20.090 Application Fees.

An application for operator or attendant permit shall not be considered until an application fee has been paid to the Director of Finance. Such fee shall be established from time to time by resolution of the City Council. A copy of the receipt for fees shall be filed along with the application with the Chief of Police.

10.20.100 Investigation of Applicant.

A. The Chief of Police shall cause to be conducted an investigation of each applicant and a report of such investigation shall be attached to the application.

B. Each applicant seeking to qualify as an operator or attendant shall submit to fingerprinting, or the equivalent, and shall pay any fees associated with the process. If the applicant is a corporation or partnership, the designated manager shall be subject to this requirement.

10.20.110 Towing Service Operator; Department Of Motor Vehicles Pull Notice Program.

All towing service operators and attendants shall be enrolled in the DMV Pull Notice Program. Pull notices shall be kept on file by the operators. Operators shall be required to provide copies of pull notices to the Ceres Police Department within seventy-two (72) hours of receipt. This requirement includes any reports of activity received throughout the year and quarterly reports for all drivers.

10.20.120 Towing Service Operator; Minimum Equipment Standards.

A. Towing service operators shall equip and maintain tow trucks in accordance with the provisions of the California Vehicle Code, Title 13 of the California Code of Regulations, the specifications in the service agreement, and in a manner consistent with industry standards and practices.

B. All tow trucks shall have recovery capabilities, wheel lift capacity, and a boom. Class D tow trucks used exclusively for salvage and recovery are not required to possess wheel lift capability.

C. An operator that has a car carrier is exempt from recovery, wheel lift and boom capability requirements; however, carrier must be additional unit and not used for recovery.

D. Towing service operators shall maintain and operate at least two (2) tow trucks, one of which shall be a car carrier.

E. Each tow car or tow truck shall meet or exceed the following standards:

1. Truck Chassis: Tow vehicles shall have a manufacturer's gross vehicle weight rating (GVWR) of at least fourteen thousand five hundred (14,500) pounds capacity with rear dual wheels or the equivalent.
2. Company Name: Vehicles shall be marked pursuant to Section 27907 of the California Vehicle Code.
3. Lights: Vehicles shall at all times be equipped with the lighting equipment required by Sections 25253 and 24605 of the California Vehicle Code and may be equipped with such other lights as the operator may desire which are not forbidden by law.
4. Winch: Each vehicle shall have a chassis-mounted, power-driven winch or winches equipped with safety dogs or equivalent braking devices and minimum cable lengths of one hundred feet (100').
5. Booms: Each vehicle shall have a single or double boom with a minimum capacity of four (4) tons.
6. Required Equipment: Each vehicle shall comply with Section 27700 of the California Vehicle Code. Additionally, the Department requires each vehicle to be equipped with a spill kit.
7. Radio: Each vehicle shall have, in good operating condition, a two-way communication system, approved by the police chief or his representative, capable of communicating with the parent company dispatcher.
8. Safety Vests: Tow attendants shall wear a safety vest or reflectorized clothing, meeting Occupational Safety and Health Administration (OSHA) requirements.
9. Road Hazard Equipment: Each vehicle shall carry flares, cones, triangles or other roadside hazard equipment not forbidden by law.
10. Additional Equipment: Each vehicle shall have a flashlight, in operating condition, broom, dustpan, crowbar, pry-bar, rope or strapping implement for securing steering wheels, hammer, screwdriver, wrenches, safety chain and other miscellaneous hand tools.

F. Equipment will be subject to inspection and approval by the Police Department or a representative selected by the Department, at the time of application and annually, thereafter. An inspection fee, and other acceptable process to confirm equipment meets standards shall be established from time to time by resolution of the City Council. The inspection fee shall be paid for all inspections and re-inspections.

G. The Department shall be notified by the operators when equipment is sold or bought. New equipment shall be subject to Department inspection and approval prior to its use on rotation

calls.

I. Operators shall make equipment available to the Department, or its representative, for inspection or reinspection, as scheduled.

10.20.130 Towing Service Operator; Business and Storage Facility.

Business office and storage facility shall be located within a one-mile driving radius of Ceres' city limits. If an operator has multiple locations, tow trucks must respond from the facility that is within the allowed radius.

A. Operators shall maintain sufficient storage space. Storage facility shall be enclosed by a fence or wall which is of adequate height and strength to be capable of protecting stored vehicles and their contents from pilfering or tampering and comply with all zoning and building requirements of the City. All gates or buildings shall be securely locked when not in use and outside lot shall be screened from public view.

B. Hours:

1. Normal business hours shall be not less than 8 a.m. to 5 p.m., Monday through Friday, except for the following holidays: New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving and Christmas Day. An on-call attendant, capable of responding to requests from the Police Department for towing service and citizens' requests for vehicle releases, shall be available twenty-four (24) hours each day, seven (7) days per week, including holidays. Business hours shall be posted in plain view of the public.

2. When the office must be closed, a sign shall be posted with the reason for closure. The sign shall have a phone number where a request will result in an immediate response to release property or vehicles. Response to the office shall be within the same time frame required for a normal rotation tow, as specified in Section 10.20.170.

C. Schedule of Fees:

1. The maximum fees which may be charged by an operator for services rendered pursuant to this Chapter shall be established from time to time by resolution of the City Council. Such fees shall be established after a review of fees in comparable communities and operating data supplied by the operators on the rotation list. Operators on the rotation list may periodically, but not more than annually, request that fees be reviewed for possible adjustment. No fees shall be charged other than those established pursuant to this Section.

2. The operators shall display in plain view at all cashier's stations, a sign as described in Section 3070 of the California Civil Code—not less than seventeen by twenty-two inches (17"x22") with lettering not less than one-inch in height, disclosing all storage fees and charges in force, including maximum daily storage rate.

3. The approved schedule of fees charged by operators shall be available in the tow truck and shall be presented upon demand to the person(s) for whom the tow services were provided, their agent, or any Ceres police officer at the scene.

D. Insurance: Operators shall maintain minimum levels of insurance from an insurance carrier admitted in California or, if an operator's business is located outside California, a carrier authorized to do business in California in the amounts consistent with the City's standard requirements.

E. The provision on this Section which requires that the business office and storage facility of towing service operators be located within a one-mile driving radius of Ceres' City limits shall not apply to any towing service operator who on the effective date of Ordinance No. 2005-948 was authorized to provide towing services on the City's tow rotation list, provided said towing service operator complied with the provision of the prior ordinance which required the business office and storage facility be located within a one mile radius of the Ceres City limits, measured not by driving miles, but by linear miles on a straight line basis. Further, it is the intent of the City Council that should any such towing service operator change the location of its business office and storage facility, the new location must be within a one-mile driving radius of the Ceres City limits.

10.20.140 Towing Service Operator; Business Records.

A. Operators shall maintain records of all tow services furnished. The records will be maintained at the place of business. Invoices shall at a minimum include a description of each vehicle, nature of service, start time, end time, location of call, itemized costs of towing and storage, the tow truck driver's name, and truck used.

B. At the operators' primary office, shall also be maintained, business records relating to personnel, insurance, personnel taxes, payroll, applicable operating authorities, local operating authorities, lien sale actions, Federal Communication Commission licensing, and non-Ceres rotation tows.

C. The Police Department may inspect all operator records without notice during normal business hours.

D. Operators shall permit the Department to make copies of business records at their place of business, or to remove business records for the purpose of reproduction. The Department shall provide a receipt for any original records removed from the place of business.

E. Records shall be maintained and available for inspection for a period of two (2) years plus the current term of the service agreement.

10.20.150 Towing Service Operator; Driver Records.

Operators shall maintain a current list of drivers to be dispatched on Ceres rotation tows. Operators shall notify the Police Department within seventy-two (72) hours upon any change in driver status, including the addition or deletion of drivers.

10.20.160 Towing Service Operator; Financial Interest

No operator or applicant shall have a financial interest in the towing-related business of any other operator or applicant.

10.20.170 Towing Service Operator; Response Time.

Towing service operators shall arrive on scene within thirty (30) minutes of a request for service. The operators shall advise Ceres dispatch, at the time the service request is made, if they are unable to respond or unable to meet the maximum response time. If after accepting a call, the operator is unable to respond or will be delayed in responding, the operator shall immediately notify Ceres dispatch.

10.20.180 Issuance of Permit; Towing Service Operator.

A. The Chief of Police or designee shall approve the application by a towing service operator if the Chief of Police or designee finds the requirements of the following subsections have been met:

1. Applicant meets all applicable provisions of this Chapter, including amendments and additions, and all other applicable laws and regulations.
2. Applicant is at least eighteen (18) years of age and has at least three (3) years verifiable experience operating a towing service. If operator does not have the experience, application may be considered if a full-time manager is employed by operator and has required experience. That manager must have authority to conduct all company business and will sign service agreement. If manager is no longer employed by company, agreement will be void. A new manager must be approved by the Chief of Police.
3. Person or persons authorized to conduct all company business has not been convicted of a misdemeanor for a crime involving theft or fraud, violence, weapons violations, narcotics violations, or moral turpitude within five (5) years of applying for permit.
4. Person or persons authorized to conduct all company business has not been convicted of a misdemeanor for driving under the influence more than once within five (5) years of applying for permit.
5. Person or persons authorized to conduct all company business has not been convicted of a felony within seven (7) years of applying for a permit. However, if the applicant has a Certificate of Rehabilitation pursuant to California Penal Code 4852.01(a), the Chief of Police may use his/her discretion for approval.

6. Applicant has not conspired, attempted to conspire, or committed any other act of collusion with any other operator or applicant for the purpose of secretly, or otherwise, establishing policies and procedures that would bring about any unfair condition which could be prejudicial to the Police Department, the motoring public, or other operators.

7. Applicant has not provided false, incomplete or materially misrepresented information on application.

B. Upon issuance of an operator permit, said permit shall be displayed in plain view of customers at the operator's main business office.

C. The permit remains the property of the Police Department and shall be returned to the Department if the operator leaves the rotation tow program.

10.20.190 Issuance of Permit; Tow Attendant.

A. The Chief of Police shall approve the application by a tow attendant if the Chief of Police finds the requirements of the following subsections have been met:

1. Applicant meets all applicable provisions of this Chapter, including amendments and additions, and all other applicable laws and regulations.
2. Applicant is at least eighteen (18) years of age.
3. Applicant is eligible to work in the United States.
4. Applicant is able to speak, read and write the English language.
5. Applicant has a valid California drivers' license.
6. Applicant has a safe driving record.
7. Applicant has not been convicted of a misdemeanor for a crime involving theft or fraud, violence, weapons violations, narcotics violations, driving under the influence or moral turpitude within five (5) years of applying for permit.
8. Applicant has not been convicted of a felony within seven (7) years of applying for a permit. However, if the applicant has a Certificate of Rehabilitation pursuant to California Penal Code 4852.01(a), the Chief of Police may use his/her discretion for approval.
9. Applicant has not provided false, incomplete or materially misrepresented information on application.

B. Upon issuance of an attendant's permit, said permit shall be worn at all times while operating a tow car or tow truck on a Ceres rotation tow. Attendant shall present permit, upon request by a police officer or rotation tow customer.

C. The permit remains the property of the Police Department and shall be returned to the Department if the attendant changes employment from one towing operator to another or leaves the towing service for other employment.

10.20.200 Term of Permit.

Permits issued for a towing service operator or attendant pursuant to this Chapter shall be valid, unless suspended or revoked pursuant to Section 10.20.250 or 10.20.255, for a period of one year from date of issuance.

10.20.210 Non-Transferability of Permit.

Permits issued pursuant to this Chapter shall not be transferable to any other person or business. The sale or transfer of the controlling interest in a company shall immediately invalidate the towing service operator permit and the operator shall be removed from the rotation tow program. A new owner may apply for an operator permit and will be considered pursuant to Section 10.20.060 and all other applicable requirements of this Chapter.

10.20.220 Renewal of Permit.

A. Prior to the expiration of any permit, the operator or attendant shall file with the Chief of Police an application for renewal upon forms provided by the Police Department. An application for renewal shall not be considered until a renewal fee has been paid to the Director of Finance. Such fee shall be established from time to time by resolution of the City Council. A copy of the receipt for fees shall be filed along with the renewal application with the Chief of Police.

B. Applications for renewal of permits shall be granted or denied upon the same basis as the original permit, as provided in Sections 10.20.180 and 10.20.190.

C. Renewed permits shall be valid, unless suspended or revoked pursuant to Section 10.20.250 or 10.20.255, for a period of one year from date of issuance and must be renewed thereafter in accordance with the terms and conditions of this Section.

10.20.230 Failure to Renew Permit; Towing Service Operator.

If the holder of a towing service operator permit fails to renew said permit prior to the expiration date of the current permit, the permit shall cease to be valid and the operator shall be removed from the rotation tow program. The operator shall be required to make application for a new permit and will be considered pursuant to Section 10.20.060 and all other applicable requirements of this Chapter.

10.20.240 Failure to Renew Permit; Tow Attendant.

If the holder of a tow attendant permit fails to renew said permit prior to the expiration date of the current permit, the permit shall cease to be valid and the attendant shall be removed from the

rotation tow program until a renewal application is submitted and approved, pursuant to Section 10.20220.

10.20.250 Suspension or Revocation of Permit; Towing Service Operator.

A. The Chief of Police may suspend or revoke the permit of a towing service operator on any one or more of the following grounds:

1. Failure to meet the requirements set forth in this Chapter for towing service operators.
2. Failure to meet the requirements for issuance of a permit as set forth in Section 10.20.180
3. Dispatching non-permitted attendants to rotation calls.
4. Utilizing equipment on rotation calls that has not been inspected and approved by the Police Department.
5. Failure to notify Police Department of temporary closure or unavailability to provide service at least twenty-four (24) hours prior to the date services will be unavailable.
6. Violation of Gross Vehicle Weight Rating (GVWR) and safe loading requirements of a tow truck. This includes exceeding the tow truck's GVWR, front axle weight rating, rear axle weight rating, maximum tire weight ratings, or not maintaining fifty percent (50%) of the tow truck's unladen front axle weight on the front axle while towing.
7. Failure to respond to perform required towing service and/or repeated failures to meet the maximum response time.
8. Intentionally overcharging or a pattern of overcharging customers.
9. Substantiated complaints for misconduct including, but not limited to, the following:
 - a. Rude or discourteous behavior.
 - b. Lack of service, selective service, or refusal to provide service which operator is/should be capable of performing.
 - c. Sexual harassment or impropriety.
 - d. Exhibiting any objective symptoms of alcohol and/or drug use.
10. An arrest of a member or employee for a felony charge,
11. Repeated failure to keep scheduled equipment inspection and reinspection appointments.

12. Failure to comply with Department requests for business and/or driver records.
13. Offering gratuities to or granting requests for gratuities from City of Ceres employees.
14. Failure to satisfy a court order mandating reimbursement to vehicle or property owner for damage or loss which occurred while vehicle was in operator's custody.
15. If any member/employee of the towing service operator gives any false information to any member of the police department or falsifying any police department document.

B. In determining whether to impose a suspension or revocation and the proper duration, the Chief of Police shall consider whether the operator has received prior warnings or suspensions concerning violations of the provisions of this Chapter, the extent of the hazard to the public, all mitigating factors, and whether the operator has shown a pattern of improper conduct.

C. Before suspending or revoking an operator's permit, the Chief of Police shall conduct an informal hearing. The operator shall be notified in writing, to the business address, of the time and place of the hearing, shall be informed of the facts on which the Chief of Police might order the suspension or revocation, and shall be given the opportunity to appear and present evidence on his/her own behalf. The hearing shall be held no less than five (5) business days and no more than ten (10) business days from the date of mailing.

D. The operator shall be notified in writing of the Chief of Police decision within five (5) business days from the date of the hearing. The Chief of Police decision shall be subject to no further appeal.

E. Nothing herein shall prohibit the Chief of Police from immediately suspending or revoking any operator whose conduct, in the opinion of the Chief of Police is deemed to be a danger to the public.

F. A suspended operator shall not be eligible for rotation listing in any capacity within a towing service until suspension period is complete.

G. A revoked operator shall not be eligible for rotation listing in any capacity within a towing service for a period of five (5) years from the date of revocation.

10.20.255 Suspension or Revocation of Permit; Tow Attendant.

A. The Chief of Police may suspend or revoke the permit of a tow attendant on any one or more of the following grounds:

1. Failure to meet the requirements set forth in this Chapter for tow attendants.

2. Failure to meet the requirements for issuance of a permit as set forth in Section 10.20.190
3. Substantiated complaints for misconduct including, but not limited to, the following:
 - a. Rude or discourteous behavior.
 - b. Lack of service, selective service, or refusal to provide service which attendant is/should be capable of performing.
 - c. Sexual harassment or impropriety.
 - d. Exhibiting any objective symptoms of alcohol and/or drug use.
4. If any member or employee is arrested for a felony charge.
5. If any member/employee of the towing service operator gives any false information to any member of the police department or falsifying any police department document.
6. Offering gratuities to or granting requests for gratuities from City of Ceres employees.

B. In determining whether to impose a suspension or revocation and the proper duration, the Chief of Police shall consider whether the attendant has received prior warnings or suspensions concerning violations of the provisions of this Chapter, the extent of the hazard to the public, all mitigating factors, and whether the attendant has shown a pattern of improper conduct.

C. Before suspending or revoking an attendant's permit, the Chief of Police or designee shall conduct an informal hearing. The attendant shall be notified in writing, to the business address, of the time and place of the hearing, shall be informed of the facts on which the Chief of Police might order the suspension or revocation, and shall be given the opportunity to appear and present evidence on his/her own behalf. The hearing shall be held no less than five (5) business days and no more than ten (10) business days from the date of mailing.

D. The attendant shall be notified in writing of the Chief of Police decision within five (5) business days from the date of the hearing. The Chief of Police decision shall be subject to no further appeal.

E. Nothing in this Chapter shall prohibit the Chief of Police from immediately suspending or revoking any attendant whose conduct, in the opinion of the Chief of Police, is deemed to be a danger to the public.

F. A suspended attendant shall not be eligible for rotation listing in any capacity within a towing service until suspension period is complete.

G. A revoked attendant shall not be eligible for rotation listing in any capacity within a towing service for a period of five (5) years from the date of revocation.

10.20.260 Rotation Procedures.

A. A call to an operator shall constitute one turn on the list and the operator shall be moved to the bottom of the list. This includes when the operator fails to answer the phone, is unable to respond, is unable to perform the required service, refuses to respond or provide service, or is cancelled due to excessive response time.

1. If it is determined that the operator is not needed and is cancelled by the Police Department, up to and including arrival at the scene and standby time which does not result in a tow, the operator will be placed back at the top of the list.

2. If the operator is cancelled by the vehicle's registered owner or agent prior to the operator taking possession of the vehicle, there shall be no charges for towing. The operator shall immediately contact the Police Department and advise them of the cancellation. The operator will then be placed back at the top of the list.

3. If service, other than towing, recovery, and load salvage, has begun and is cancelled by the vehicle's registered owner or agent, the operator may charge one-half of the regular hourly service charge for the time expended on the call. For purposes of cancellation, service begins when physical work on the vehicle has begun, not the response. No lien shall arise for the service unless the operator has presented a written statement to the vehicle's registered owner or agent for the signed authorization of services to be performed. The operator shall not attempt to take possession of the vehicle in order to establish a lien for any non-towing services performed, or begun and subsequently cancelled, when not entitled to such lien by law.

B. If none of the operators on the rotation list have the necessary skills or equipment to handle a specific task, the Department may request service from any other person or company capable of handling the request. A deviation from the normal rotation for such reason shall not cause a loss of rotation turn by either the operator who was determined to be incapable or not properly equipped for handling the request or by another rotation operator who does respond. In the event that the Chief of Police, or his authorized representative, determines that there is an emergency, the provisions of this Chapter shall not apply, and the Department may obtain towing service from any source deemed appropriate.

10.20.270 Supplemental Regulations.

The provisions of this Chapter shall be deemed as supplemental to the business license tax and any other pertinent laws and ordinances of the City.

10.20.280 Administrative Regulations.

The Chief of Police may adopt such administrative rules and regulations as may be reasonably

required to implement and administer the provisions of this Chapter.

10.20.290 Annual Administration and Supervision Fee.

In addition to the other processing fees charged pursuant to this Chapter, there is assessed an annual administration and supervision fee, as set forth by a resolution of the City Council, against each tow service operator on the tow rotation list. Said fee shall be due on July 1 of each year. The payment of said fee shall be a condition precedent to continued participation on the tow rotation list. A ten (10) percent interest penalty shall be charged on any balance owing after July 10.

The fee may be increased by resolution of the City Council passed at a regularly scheduled meeting of the City Council after at least ten (10) days' written notice to all rotation tow operators of the City's intention to increase the fee. The fee may not exceed the reasonable cost of administering and supervising the rotation tow list program.

Chapter 21

MISCELLANEOUS PROVISIONS

Sections:

- 10.21.010 Erasing Police Markings Prohibited.**
- 10.21.020 Removal or Defacement of Signs.**
- 10.21.030 Street Sweeping Restrictions.**
- 10.21.040 Unlawful Parking by Peddlers and Vendors.**
- 10.21.040 Property Delivery Regulations.**
- 10.21.050 Parking Vehicles for Advertising Purposes**
- 10.21.060 Parking Vehicles Held for Commercial Sale or Repair.**
- 10.21.070 Requiring Ignitions Locked and Keys Removed From Motor Vehicles.**

10.21.010 Erasing Police Markings Prohibited.

No person shall remove, erase, deface, obliterate, or render unusable for the purpose of enforcement of this title any chalk mark, marker or other device placed on a vehicle by the City for the purpose of measuring the passage of time or the movement of a vehicle stopped, standing or parked on any street, or in any public parking facility by any means other than to leave the parking space and drive along the street.

10.21.020 Removal or Defacement of Signs.

It is unlawful for any person to remove, erase, deface, obliterate, or render unusable for the purpose of enforcement of this title any sign, marking, or device placed by the city for the purpose of indicating prohibitions or restrictions on stopping, standing or parking of vehicles on any street, alley, or public parking facility.

10.21.030 Street Sweeping Restrictions.

The City Engineer may restrict parking on any portion of the street, alley, or public parking facility for the purpose of street sweeping by posting signs providing notice thereof.

10.21.040 Property Delivery Regulation.

Moving vehicles shall:

- A. Not be parked on the street past ten (10) p.m.;
- B. Not block driveways;
- C. Not create a traffic hazard, community inconvenience, or nuisance;
- D. Be placed so as to minimize the sight visibility issues at intersections and adjacent driveways; and

E. Shall maintain fifteen (15) foot clearance on each side of a fire hydrant.

10.21.050 Parking Vehicles for Advertising Purposes

The City Council may, by resolution, restrict the parking of vehicles with the purpose of advertising or displaying it for sale upon any street or any portion of any street in the City upon a finding that parking would be hazardous to the health and safety of the public. The City Council shall provide notice of its intent to adopt such a resolution by publishing once in a newspaper of general circulation at least five (5) days prior to adoption.

10.21.060 Parking Vehicles Held for Commercial Sale or Repair.

No person who deals in the business of selling, trading, shipping, repossessing or repairing vehicles shall park or leave standing any vehicle held for sale, trade, repossession, repair, or shipment on any street, alley, or public parking facility.

10.21.070 Requiring Ignitions Locked and Keys Removed From Motor Vehicles.

No person driving or in charge of a motor vehicle, except a commercial motor vehicle, shall allow it to stand unattended on any highway, public street, or on a parking facility open to the public use, without first stopping the engine and removing the ignition key from the vehicle. The registered owner of a vehicle found in violation of this section shall be held prima facie responsible for any such vehicle. Violation of this section shall not mitigate the offense of theft of such motor vehicle.

Chapter 22

VIOLATIONS AND PENALTIES

Sections:

- 10.22.010 Penalty for Violation.**
10.22.020 Remedies Cumulative.
10.22.030 Appeals.

10.22.010 Penalty for Violation.

Any person who violates or fails to comply with any of the provisions of this title, and any person who aids, assists, or abets therein, shall be guilty of an infraction, unless otherwise indicated. City Council may from time to time by resolution establish specific fines which shall be applicable to the violation of any of the provisions of this Title.

10.22.020 Remedies Cumulative.

The remedies provided for in this title shall be cumulative with any other remedies available in law or in equity and are not exclusive.

10.22.030 Appeals.

Any denial of a parking permit, levied fines, or other provisions of this chapter may be appealed in accordance with the procedure below:

A. Any person aggrieved by any licensing or permitting decision of an administrative officer or agency with respect to the issuance or refusal to issue a license or permit required by this title, or any penalties imposed under this chapter, may appeal to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of the denial, approval, or imposed penalty. The applicant's right to appeal shall terminate after the allotted time passes.

B. The applicant shall set forth in writing the grounds for the appeal.

C. The appellant shall pay a reasonable hearing fee upon filing to appeal. The appeal fee shall be set by resolution adopted by the City Council.

D. If an appeal is timely filed, the permit holder shall be granted an administrative hearing by a neutral hearing officer appointed by the City Manager. Written notice of the date, time and place of the hearing shall be mailed at least ten (10) calendar days prior to the date of the hearing, by personal service or certified mail, with proof of service attached, to the address listed on the application, or the address given in the notice of appeal, if different.

E. The hearing shall be within thirty (30) days after receipt of said notice of appeal.

F. The hearing officer may continue a hearing based on good cause shown or if the hearing officer independently determines that due process has not been adequately afforded. The hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purposes of granting a continuance, ensuring compliance with an administrative order, modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing.

G. The hearing shall be informal in nature. Formal rules of evidence and discovery do not apply. The City bears the burden of proof to establish the existence of a violation of this code or applicable State code. The standard of proof to be used by the hearing officer in deciding the issues at the administrative hearing is by a preponderance of the evidence. Each party shall have the opportunity to present evidence in support of his or her case. In addition:

1. All parties shall have the right to be represented by legal counsel. The appellant shall bear his or her own costs to be represented by an attorney;

2. When a party does not proficiently speak or understand the English language, the party may provide an interpreter at the party's own expense. An interpreter shall not have any involvement in the issues of the case prior to the hearing;

3. Any objections to the conduct of the hearing or to the introduction of evidence that is not timely made will shall be deemed waived. For the purposes of making a timely objection, an objection is timely if made before submission of the case for decision;

4. Each party shall have the right to call and examine witnesses, introduce exhibits and cross-examine opposing witnesses who have testified under direct examination. The hearing officer may call and examine any witness;

5. Not less than ten (10) days prior to the scheduled hearing, the City Clerk must notify the appellant of the name, address, and phone number of any witness to the violation, and furnish the appellant with a copy of any document it intends to submit at the hearing. Not less than seven (7) days prior to the hearing, the appellant may request the City Clerk to produce at the hearing any witness the City intends to rely upon to substantiate the suspension, revocation, or other action. The written request must name the witness or witnesses who are requested to attend the hearing. The City may not rely on the testimony of any witness (including such testimony contained in reports or written witness statements) whose appearance at the hearing is required by this section, if that witness fails to appear.

6. Not less than ten (10) days prior to the hearing, the appellant must notify the City Clerk in writing of the name, address and phone number of any witness the appellant intends to call as a witness at the hearing, provide a brief description of the proposed testimony, and furnish the City Clerk with a copy of any document the appellant intends to offer as evidence at the hearing. The appellant may not call any witness to testify at the hearing who was not identified

as required by this section or offer any document as evidence at the hearing that was not provided to the City Clerk as required by this section;

7. Both the City and the appellant shall have the right to examine and cross-examine any witness produced at the hearing. The rules of evidence that normally apply in court shall not apply in a hearing before the hearing officer, but the hearing officer shall only consider evidence which would be relied upon by reasonable people making an important decision, and shall disregard evidence which by its nature is unreliable or not credible. Oral evidence shall be taken only under oath or affirmation. The hearing officer shall have authority to administer oaths and to receive and rule on admissibility of evidence;

8. The entire hearing shall be electronically or steno graphically recorded. The record of the hearing shall be preserved for not less than six months after the decision is served on the appellant; and

9. At any time after a hearing has commenced and prior to the time the hearing is concluded, the Police Chief may, with the consent of the hearing officer, serve the owner with an amended or supplemental notice of violation to conform to the evidence presented or adduced at the hearing. If the amended or supplemental notice presents new causes or allegations, the owner shall be afforded a reasonable opportunity to prepare a defense thereto. Any new causes or allegations shall be deemed denied and any objections to the amended or supplemental causes or allegations may be made orally at the hearing.

10. If the permit holder or individual who was fined fails to appear at the hearing, he or she is deemed to waive the right to the hearing and the adjudication of the issues related to the hearing; provided, that proper notice of the hearing was provided.

11. The hearing officer shall issue an administrative order within thirty (30) calendar days of the hearing date that shall be served upon the permit holder by personal service or certified mail. The order shall become effective on the date of personal service or five (5) calendar days after the date service is carried out by mailing. The decision of the hearing officer shall be final.

12. If the notice of revocation is affirmed on appeal, the permit at issue shall be immediately shall be revoked and surrendered to the City.

13. The appellant shall be entitled to notice of the basis for the proposed action and a copy of the documents upon which the decision was based. Once an administrative order is issued, the time in which judicial review of the order must be sought shall be governed by the California Code of Civil Procedure section 1094.6.

14. No application for any valet parking permit issued under this chapter shall be accepted by the City Manager from the same applicant within one year following revocation of a permit issued under this chapter or while the applicant has a suspended permit.