

ORDINANCE NO. 2007-04

AN ORDINANCE OF THE CITY OF WINTERS
AMENDING CHAPTER 10.16 OF THE MUNICIPAL CODE
PERTAINING TO STOPPING, STANDING, AND PARKING

The City Council of the City of Winters does ordain as follows:

SECTION 1: Section 10.16.010 of the Municipal Code of the City of Winters is hereby amended to read as follows:

Section 10.16.010 Application of Regulations

A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified in this Chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

B. The provisions of this Chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or this code of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

C. For purposes of this Chapter:

"Vehicle" means any device used for the transportation of persons or property as defined in section 670 of the California Vehicle Code.

"Unattached trailer" means a vehicle that is not self-propelled, was originally designed for carrying persons or property, including boats, and for being drawn by a motorized vehicle, and is not attached to a motorized vehicle that is capable of immediately propelling and towing such unattached trailer.

"Recreational vehicle" means any vehicle, whether self-propelled or drawn by another motorized vehicle, which was originally designed or permanently altered, and equipped or used for human habitation. The term "recreational vehicle" includes, but is not limited to, motor homes, travel trailers, 5th-wheel trailers, campers, and tent trailers. The term "habitation" means the use of a vehicle for temporary or permanent living quarters.

SECTION 2: Section 10.16.050 of the Municipal Code of the City of Winters is hereby amended to read as follows:

Section 10.16.050 Use of streets for storage of vehicles prohibited

No person who owns or has possession, custody or control of any vehicle or recreational vehicle shall park such vehicle or recreational vehicle upon any street or alley for more than a consecutive seventy-two (72) hour period.

No person who owns or has possession, custody or control of an unattached trailer shall leave standing any unattached trailer upon any street or alley within the City.

For purposes of this Chapter, a vehicle or recreational vehicle shall be deemed to be parked in violation of this section when it has not moved at least one thousand (1,000) feet or on to a private property within a consecutive seventy-two (72) hour period.

Any vehicle, recreational vehicle or unattached trailer parked in violation of this Chapter may be removed by the Chief of Police, or his/her designee, in accordance with Sections 22651 and 22669 of the California Vehicle Code.

SECTION 3: Section 10.16.055 is added to Chapter 10.16 of the Municipal Code of the City of Winters to read as follows:

10.16.055 Habitation of Vehicles on Streets

It shall be unlawful for any person who owns or has possession, custody or control of any vehicle, recreational vehicle or unattached trailer, to use or allow the use of such vehicle for human habitation or occupancy. The term "habitation" means the use of a vehicle for temporary or permanent living quarters.

SECTION 4: Section 10.16.270 is added to Chapter 10.16 of the Municipal Code of the City of Winters to read as follows:

10.16.270 Exemptions, Issuance of Permits

Notwithstanding sections 10.16.050 and 10.16.055, the Chief of Police, or his/her designee, may issue permits for the temporary stopping, parking, standing or habitation of vehicles, recreational vehicles or unattached trailers on a street or alley, subject to the following conditions:

- A. A permit for the temporary stopping, parking or standing of vehicles shall be for up to a maximum of thirty-six (36) total days per calendar year for each vehicle. A permit for the temporary habitation or occupancy of a vehicle shall be for up to a maximum of fourteen (14) total days per calendar year for each vehicle, however, each habitation or occupancy period shall not exceed one hundred and twenty (120) consecutive hours. Each habitation or occupancy period must be separated by at least ten (10) days.
- B. A permit for stopping, standing or parking of a vehicle may only be issued to the property owner of a single family residence.
- C. No more than one (1) permit may be issued to a property owner at any given time.
- D. A permit shall restrict the stopping, parking or standing of a vehicle, recreational vehicle or unattached trailer to that portion of the street or alley immediately in front of and abutting the property upon which the single family residence is located.

E. A permit shall be immediately revocable if the vehicle, recreational vehicle or unattached trailer poses a safety concern, in the sole and absolute discretion of the Chief of Police.

F. The Chief of Police, or his/her designee, may impose any additional conditions that he/she deems necessary to protect the health, safety and general welfare of the community.

Appeals regarding the issuance of permit by any interested person may be made to the City Manager within ten (10) days of issuance. The decision of the City Manager regarding any appeals shall be final.

The City Council may by resolution establish fees for the issuance of permits authorized by this Section.

SECTION 5. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Winters hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 6. Effective Date.

This ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law.

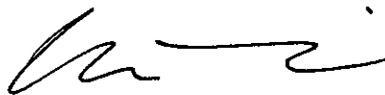
The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on May 6, 2008, and was passed and adopted at a regular meeting of the City Council held on May 20, 2008 by the following vote:

AYES: Council Members Aguiar-Curry, Anderson, Martin, Stone and Mayor Fridae

NOES: None

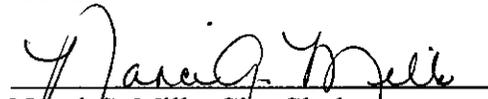
ABSENT: None

ABSTAIN: None



Woody Fridae, Mayor

ATTEST:


Nanci G. Mills, City Clerk