

NORTH COUNTY TRANSIT DISTRICT

ORDINANCE NO. 5

An Ordinance Regulating Parking in North County Transit District Parking Lots

The Board of Directors (“Board”) of the North County Transit District (“NCTD”) does ordain and adopt Ordinance No. 5 to read as follows:

Section 1: General

Section 1.1: Authority

California Vehicle Code section 21113 expressly prohibits any person from driving, stopping, parking or leaving standing any vehicle, whether attended or unattended, on the parking facilities of a transit development board or transit district, except with the permission of, and upon and subject to any condition or regulation which may be imposed by the legislative body or governing board. The Board is authorized pursuant to Public Utilities Code section 125105(f) to adopt all ordinances and make all rules and regulations proper or necessary to regulate the use, operation and maintenance of NCTD’s property and facilities.

Section 1.2: Findings

A. The Board finds and determines that ensuring adequate parking in NCTD Parking Lots for Vehicles driven by Transit Patrons and Transit Personnel is necessary in order to facilitate and encourage the use of public transit facilities and services, and that the unregulated use of NCTD Parking Lots is detrimental to the interests of NCTD and the public.

B. Except when specifically posted as a shared public parking facility, NCTD Parking Lots are for use by Transit Patrons and Transit Personnel only, and are not open to the general public.

C. The Board therefore adopts this Ordinance establishing conditions and regulations applicable to Vehicle parking and traffic in NCTD Parking Lots.

Section 2: Definitions

Section 2.1: “NCTD Parking Lot” means parking lots, driveways and other Transit Facilities owned by NCTD, including entrances and exits to and from any such Transit Facilities, which are accessible by Vehicle.

Section 2.2: “NCTD Security Officer” shall have the same meaning as defined in Ordinance No. 3.

Section 2.3: "Peace Officer" shall have the same meaning as defined in Ordinance No. 3.

Section 2.4: "Private Security Officer" shall have the same meaning as defined in Ordinance No. 3.

Section 2.5: "Transit Facility" or "Facility" shall have the same meaning as defined in Ordinance No. 3.

Section 2.6: "Transit Patron" is defined as a person who parks a vehicle on a NCTD Parking Lot adjacent to a Coaster station, Sprinter station or other Transit Facility and who thereafter directly proceeds to board a train or public transit bus.

Section 2.7: "Transit Personnel" means an employee or contractor of NCTD or another transit provider whose place of employment is within the Transit Facility that is adjacent to a particular NCTD Parking Lot.

Section 2.8: "Vehicle" shall have the same meaning as defined in Section 670 of the California Vehicle Code.

Section 3: Rules and Regulations

Section 3.1: Compliance with Law: No person shall drive, stop, park, or leave standing on any NCTD Parking Lot any Vehicle, except in full compliance with the traffic laws of the State of California and conditions and regulations adopted herein.

Section 3.2: Patron Parking: Parking of Vehicles in NCTD Parking Lots is for Transit Patrons or Transit Personnel only, unless the Parking Lot is otherwise posted as a shared public parking facility.

Section 3.3: Time Limit: Maximum limit of time for parking of Vehicles in any NCTD Parking Lot shall be limited to one of the following, as posted:

- A. Two (2) consecutive hours;
- B, day use only;
- C. twenty-four (24) consecutive hours unless otherwise posted; or
- D. otherwise, as posted.

Section 3.4: Designated Spaces: Vehicles shall be parked in NCTD Parking Lots only within areas posted and dedicated for parking, and shall be parked in an orderly manner within the lines indicating a single space. Vehicles shall not be parked within NCTD Parking Lots within any driveway, in any unlined area, in any yellow or red painted area, in any pedestrian walkway, in any bus loading zones, or in any areas so prohibited by control signs. In addition, no person may park a Vehicle in a space designated in any NCTD Parking Lot for the exclusive purpose of charging and parking a Vehicle that is connected for electric charging purposes, unless the Vehicle is connected for electric charging purposes.

Section 3.5: Spaces Designated for Persons with Disabilities: No person may park a Vehicle in designated accessible spaces in NCTD Parking Lots without displaying placards or special license plates issued for persons with disabilities.

Section 3.6: Vehicles Adjacent to Railway: Vehicles may not be parked on or within 7 1/2 feet of railroad tracks, or anywhere within the rail right of way.

Section 3.7: Abandoned Vehicles: No person shall abandon any Vehicle in any NCTD Parking Lot. Vehicles reasonably believed to be abandoned may be removed from a NCTD Parking Lot only after a written report identifying the vehicle and its location has been mailed or delivered to the office of the Department of the California Highway Patrol located nearest to the Vehicle. In addition, at least ten (10) days notice of intention to remove an abandoned Vehicle shall be mailed, by registered or certified mail, to the last registered and legal owners of record of the Vehicle, unless the Vehicle is in such condition that identification numbers are not available to determine ownership. The notice shall include a statement that the owner may request a hearing before the Board of Directors or its designee within ten (10) days of the mailing of the notice. If no hearing is requested, the Vehicle may be removed without further notice. Within five (5) days after the date of removal, notice shall be given to the Department of Motor Vehicles identifying the Vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates. After a Vehicle has been removed pursuant to this Section, it shall not be reconstructed or made operable, unless it qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section 5004.

Section 3.8: Maximum Speed Limit: No person shall at any time drive any vehicle in any NCTD Parking Lot at a speed in excess of fifteen (15) miles per hour, unless otherwise posted.

Section 3.9: Maximum Vehicle Dimensions: No person shall drive, park, or leave standing in any NCTD Parking Lot any vehicle or combination of vehicles which exceeds three (3) tons in total aggregate weight or exceeds six and one-half (6 1/2) feet in width or nineteen (19) feet in length. The foregoing prohibition shall not apply to Vehicles owned or operated by or on behalf of NCTD, public transit buses doing

business at the Transit Center, or vehicles making deliveries to NCTD or making repairs under contract with or otherwise on behalf of NCTD.

Section 3.10: Motorcycles: Motorcycles or motor-powered bicycles shall be parked in NCTD Parking Lots only within areas posted and designated for the parking of motorcycles or other vehicles, and shall be parked in an orderly manner within the lines indicating a single space.

Section 3.11: Fees for Parking: The Board of Directors of NCTD may establish fees to be imposed for entrance to or use of any one or more NCTD Parking Lots. Such fees shall constitute charges imposed for entrance to or use of local government property. Fees shall be reasonable and, to the extent necessary in light of the findings set forth in this Ordinance, may be lower for Transit Patrons utilizing NCTD transit facilities than for other Transit Patrons or members of the public. Payment of fees so established is an express condition upon which Vehicles may be parked in NCTD Parking Lots.

Section 3.12: Additional Usage by Special Permit: Notwithstanding Sections 3.3 and 3.9, the NCTD Executive Director may issue permits for private use of NCTD Parking Lots for parking in excess of twenty-four (24) hours, and for exceptions to the maximum permissible Vehicle dimensions in accordance with such rules and regulations as may be prescribed by the NCTD Board.

Section 3.13: Issuance of Warnings: NCTD Security Officers and Private Security Officers so authorized by the NCTD Executive Director or his designee may issue written warnings whenever a Vehicle is driven or parked within a NCTD Parking Lot in violation of the conditions and regulations set forth in this Ordinance, except as prohibited under State law.

Section 4: Posting of Notices

The Executive Director or his designee shall cause appropriate signs giving notice of the special conditions or regulations imposed under this Ordinance to be erected within NCTD Parking Lots. NCTD shall prepare and keep at its principal administrative office a written statement of all special conditions and regulations imposed under this Ordinance.

Section 5: General

Section 5.1: Construction. In interpretation of this Ordinance, provisions shall be construed as follows:

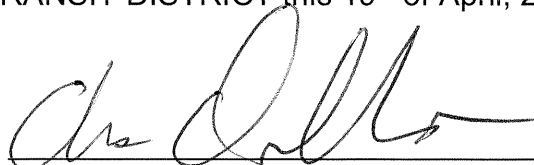
- A. The present tense includes the past and future tenses; and the future, the present.
- B. The masculine gender includes the feminine and neuter.

- C. The singular number includes the plural, and the plural the singular.
- D. "Shall" is mandatory and "may" is permissive.
- E. These rules are in addition to and supplement all applicable laws or ordinances. Nothing herein shall limit or otherwise infringe on the authority of authorized Peace Officers or others to enforce the provisions of this or other law(s).

Section 5.2: Severability. The provisions of this Ordinance are severable, and if any of the provisions, clauses, sentences, subsections, sections, words, or parts thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, section, word or part had not been included therein or such person or circumstance to which the Ordinance or part thereof is held inapplicable has been specifically exempted therefrom.

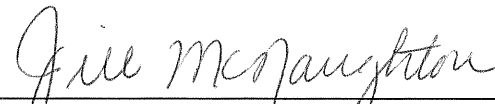
Section 5.3: Effective Date. This Ordinance shall be effective in each NCTD Parking Lot on the soonest date notices have been posted therein pursuant to Section 4 above.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Board of Directors of the NORTH COUNTY TRANSIT DISTRICT this 19th of April, 2012.



CHAIRMAN, North County Transit District

ATTEST:



CLERK OF THE BOARD, North County Transit District