

NORTH COUNTY TRANSIT DISTRICT

ORDINANCE NO. 5

An Ordinance Regulating Parking and Traffic on
North County Transit District Property

(Adopted April 19, 2012 and as amended through October 21, 2021)

The Board of Directors (“Board”) of the North County Transit District (“NCTD”) does ordain and amend 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 motor 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. That it is appropriate and necessary to provide for the authority to enforce this ordinance and establish civil penalties/fines for such ordinance violations.
- D. That a schedule of civil or administrative penalties/fines will be adopted by resolution of the Board and may be amended as necessary.
- E. That administrative policies and procedures for the management and administration, documentation, reporting, and collection of civil penalties/fines consistent with an effective NCTD parking control program will be developed and implemented pursuant to this ordinance.

F. The Board therefore adopts this Ordinance establishing conditions and regulations applicable to motor vehicle parking and traffic on North County Transit District owned or controlled property, including, but not limited to, improved parking lots and structures, unimproved property (including railroad right-of-way), transit facilities, and transit construction sites.

Section 2: Definitions

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

Section 2.2: “Authorized Enforcement Personnel” shall have the same meaning as defined in NCTD Ordinance No. 3.

Section 2.3: “NCTD Transit Facility” or “NCTD Facility” shall have the same meaning as defined in Ordinance No. 3.

Section 2.4: “Transit Patron” is defined as a person who parks a vehicle at an NCTD Parking Lot adjacent to an NCTD Facility, and (1) who thereafter directly proceeds to board a public transit conveyance or vehicle at the property; or, (2) who thereafter directly proceeds to make a transaction from a public transit Ticket Vending Machine or from a Transit Customer Service Counter; or, (3) who thereafter directly proceeds to an NCTD facility to conduct valid and legitimate business with NCTD.

Section 2.5: “Transit Personnel” means an employee or contractor of NCTD or another transit provider whose place of employment is within the NCTD Facility that is adjacent to a NCTD Parking Lot.

Section 2.6: “Vehicle” or “Motor Vehicle” shall have the same meaning as defined in Section 670 of the California Vehicle Code.

Section 2.7: “Recreational Vehicle” or “RV” shall have the same meaning as in Subdivision (a) of Section 18010 of the California Health and Safety Code.

Section 2.8: “Trailer” shall have the same meaning as in Sections 630, 635 and 636 of the California Vehicle Code.

Section 3: Parking Regulations and Restrictions

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. Vehicles found in violation of this ordinance are subject to citation and/or towing and storage at the vehicle owner’s sole expense.

Section 3.2: Registered Motor Vehicle Owner Liable: The registered owner, as determined from the registration of said vehicle in the Division of Registration of the Department of Motor Vehicles in the State of California, of any vehicle which is unlawfully parked as provided in this ordinance, shall be prima facie liable and responsible for the illegal parking of such vehicle.

Section 3.3: Establishment of Administrative or Civil Penalties, Fines, Fees and Related Charges for Parking Violations: The Board may by resolution establish a schedule of administrative or civil penalties/fines for the parking violations, late payment penalties, administrative fees, and other related parking charges for parking violations on NCTD property consistent with state law.

Section 3.4: Payment of Civil Penalties/Fines and Fees: Any owner of a vehicle to whom a citation or citations have been issued shall, within thirty (30) calendar days of the date of the issuance of the citation, pay to the NCTD as a civil penalty/fine an amount of money set by resolution of the Board from time to time. Such payment may be made in a manner as instructed on the written citation, within the period of thirty (30) calendar days. Failure of such vehicle owner to make such payment within the thirty (30) calendar days shall result in the penalties being increased to an amount set by resolution of the Board. Failure to pay the increased fine shall result in notice of the total civil penalty/fine due being forwarded to the Department of Motor Vehicles. Pursuant to state law, the Department of Motor Vehicles can require all outstanding civil penalties be paid in full prior to annual renewal of vehicle registration.

Section 3.5: Authority to Enforce - Citations: Each NCTD Authorized Enforcement Personnel, as defined in NCTD Ordinance No. 3, and/or Sheriff's Deputy of the NCTD Transit Enforcement Services Unit is hereby empowered with the authority to issue citations pursuant to this Ordinance. When issuing a citation pursuant to this Ordinance, the NCTD Authorized Enforcement Personnel, or Sheriff's Deputy of the NCTD Transit Enforcement Services Unit shall record the date, time and location of any unlawful vehicle parking, the state vehicle license of such vehicle, make and model of such vehicle, and issue, in writing upon an approved citation form, and place a copy of the citation for such unlawful parking upon the vehicle found in violation. A copy of the citation can be mailed to the registered owner of the vehicle, if the citation cannot be placed upon the vehicle found in violation. Each violation of this Ordinance may result in issuance of a separate citation.

Section 3.6: Parking: Parking of Vehicles in NCTD Parking Lots is for Transit Patrons or Transit Personnel only, unless the Parking Lot or parking structure is otherwise posted as a shared and/or public parking facility. Parking is only permitted within the designated NCTD Parking Lots, any use of NCTD Rail Right Right-of-Way, or other NCTD owned or controlled property without express written permission for parking, standing, loading, storage, abandonment, or any other purpose is expressly prohibited and a violation of this Ordinance.

Section 3.7: Time Limit:

- A. Maximum limit of time for parking of Vehicles in any NCTD Parking Lot shall be limited to the hours as posted.
- B. Temporary Long-Term Parking – Transit Patrons may request a permit to park a vehicle at designated transit facilities for a period exceeding posted hours (“Long Term Parking”), subject to the designated time limits for the applicable facility and the following conditions:
- The vehicle has current and valid Department of Motor Vehicles (DMV) registration displayed;
 - The vehicle is in running and maintained condition (inoperative or unregistered vehicles are prohibited);
 - The entire vehicle fits between the marked lines of a parking stall and does not project into driveways, sidewalks, or other areas of traffic (Commercial Vehicles, Semi -Trucks, RV’s, Trailers, and other oversized vehicles will not be considered for approval);
 - A completed permit application and any associated fees are submitted.
 - The Manager of Security or designee will cause the permit application to be reviewed and the conditions verified;
 - Upon completion of the review, the Manager of Security/Designee may approve or deny the permit application;
 - Application fees are non-refundable
 - Authority to develop and implement programs for Long Term Parking in accordance with the foregoing provision of this Section is delegated to the Executive Director. The Executive Director shall periodically review the Long-Term Parking programs for compliance and effectiveness in compliance with this Ordinance 5

Section 3.8: Designated Spaces, Control Signs, and Painted Curbs: 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 painted lines indicating a single space. Vehicles shall not be parked within NCTD Parking Lots within any driveway, in any unlined area, marked restricted area, in any white, yellow or red painted area, in any pedestrian walkway, in any bus loading zones, or in any areas so prohibited by control signs, cross hatch painted areas, or painted curbs.

Section 3.9: Exclusive Use of Parking Lot/Spaces: NCTD Parking Lots and parking spaces are intended for the exclusive use of Transit Patron motor vehicles. It shall be unlawful for any parking space not occupied by a motor vehicle to be blocked from motor vehicle use or otherwise occupied in whole or in part by any items of personal property,

including unattached trailers. Any such unlawfully placed items are subject to immediate removal and disposal in a manner consistent with law. The following are strictly prohibited:

- Recreational Vehicles
- Maintenance and/or repair of any vehicles and/or equipment
- Advertisement of vehicles and/or personal property for sale, lease and/or exchange
- Storage and/or staging of any non-transit patron vehicles, including deliveries to third parties

Section 3.10: Maximum Vehicle Dimensions: No person shall drive, park, or leave standing in any NCTD owned or controlled property any motor vehicle or combination of vehicles which exceeds three tons in total aggregate weight or exceeds 96 inches (8 feet) in width or 228 inches in length (19 feet), without the express written permission of NCTD. The foregoing prohibition shall not apply to (1) public safety agencies or emergency response vehicles; (2) vehicles owned or operated by or on behalf of NCTD; (3) public transit buses doing business at the Transit Center; or (4) vehicles making deliveries to NCTD, providing services to NCTD, or making repairs under contract with or otherwise on behalf of NCTD.

Section 3.11: Motorcycles: No person shall park or leave standing any motorcycle or motor-powered bicycle except in areas specifically designated for such purpose on NCTD owned or controlled property.

Section 3.12: Spaces Designated for Persons with Disabilities: In accordance with California Vehicle Code Section 22507.8, vehicles parked in designated/posted accessible spaces for Disabled Persons in NCTD Parking Lots must display valid and current placards or special license plates issued for persons with disabilities by the Department of Motor Vehicles.

Section 3.13: Vehicles Parked on the Rail Right-of-Way: Only vehicles operated by Transit Personnel or Emergency Responders are authorized to be driven, stopped, parked, or left standing, while attended or unattended anywhere within the NCTD Rail Right-of-Way. All other vehicles found parked or standing on areas of the Rail Right-of-Way in violation of this section are subject to being cited and/or towed and stored at the vehicle owner's sole expense. Any unauthorized vehicles found within the right-of-way shall be subject to immediate citation and/or removal.

Section 3.14: Spaces Designated For Electric-Powered Vehicles While Charging: No person may park a vehicle in a space designated/posted for electrical vehicle charging in any NCTD Parking Lot except for the exclusive purpose of parking while the vehicle is connected for electric charging purposes. Vehicles which are parked in a space designated/posted for electrical vehicle charging and not connected for electric charging purposes shall be in violation of this Ordinance.

Section 3.15: Enforcement and Removal of Vehicles in Violation of this Ordinance: NCTD's Manager of Security or designee is hereby authorized to remove a vehicle from a NCTD Parking Lot, NCTD Facility, or NCTD Property for violation of the posted maximum limit of time for parking or any other violation of this Ordinance following the applicable notice, warning or citation unless immediate removal is required to protect the health safety and welfare of the public in accordance with California Vehicle Code § 22658 and any applicable local law. NCTD may establish any contract or program in order to carry out the necessary enforcement or removal of vehicles authorized by this Ordinance No. 5.

Section 3.16: Maximum Speed Limit: No person shall at any time operate any vehicle in any NCTD Parking Lot or driveway at a speed in excess of posted limits.

Section 3.17: 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. A separate schedule of fees shall be reviewed, approved, and published by the Board and revised/updated as necessary by resolution.

Section 3.18: Violation of this Ordinance: Pursuant to Public Utilities Code section 125452, violation of any provision of this Ordinance No. 5, in addition to any administrative or civil penalty pursuant to Section 3.3, may be an infraction punishable by a fine not exceeding seventy-five dollars (\$75), except that a violation by a person, after the first conviction under this section, is a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail not exceeding six months, or by both that fine and imprisonment. For purposes of this section a bail forfeiture shall be deemed to be a conviction of the offense charged.

Section 4: Posting of Notices

The Executive Director or 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 singular number includes the plural, and the plural the singular.

- C. "Shall" is mandatory and "may" is permissive.
- D. 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 Enforcement Personnel or law enforcement 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 amended Ordinance shall be effective on October 21, 2021.

PASSED, APPROVED, AND ADOPTED at the regular meeting of the Board of Directors of the NORTH COUNTY TRANSIT DISTRICT This 21st day of October, 2021.



BOARD CHAIR
North County Transit District

ATTEST:



CLERK OF THE BOARD
North County Transit District