Title 10

TRAFFIC AND STREETS

Chapters:

10.04 Adoption of Uniform Traffic Ordinance
10.05 Obstruction of Sidewalks and Streets
10.06 Banners Across Streets
10.07 Off-Highway Use of Motorcycles and Motorbikes
10.08 Parades
10.09 Costs for Emergency Responses
10.10 Transportation Demand Management Program
10.12 Trains

Chapter 10.04

UNIFORM TRAFFIC ORDINANCE

Sections:

10.04.010	**Definitions.**
10.04.020	**Traffic administration.**
10.04.030	**Enforcement and obedience to traffic regulations.**
10.04.040	**Speed zones and regulation of traffic.**
10.04.050	**Traffic-control devices.**
10.04.060	**Turning movements.**
10.04.070	**One-way streets and alleys.**
10.04.080	**Special stops required.**
10.04.090	**Miscellaneous driving rules.**
10.04.100	**Pedestrian regulations.**
10.04.110	**Stopping, standing and parking for certain purposes or in certain places.**
10.04.120	**Stopping, standing or parking restricted or prohibited on certain streets—Timed parking zones.**
10.04.130	**Parking and pedestrian regulations on city property.**
10.04.140	**Stopping for loading or unloading only.**
10.04.150	**Designated truck routes and commercial vehicle prohibitions.**
10.04.160	**Trains.**
10.04.170	**Special speed zones—Regulation of speed by traffic signals.**
10.04.180	**Movement of heavy vehicles and equipment.**
10.04.190	**Violation—Penalty.**

10.04.010 Definitions.

A. Definitions of words and phrases. The following words and phrases when used in this chapter and Chapters 10.05, 10.06 and 10.07 of this title shall, for the purpose of these chapters, have the meaning respectively ascribed to them in this Section.

B. Motor Vehicle Code definitions to be used. Whenever any words or phrases used herein are not defined, but are defined in the Vehicle Code of the state and amendments thereto, such definitions shall apply.

C. "Central traffic district" means all streets and portions of streets within the area described as follows:

> All that area bounded on the north by the north curbline of Hermosa Street, bounded on the south by the south curbline of Lewis Street, bounded on the west by the west curbline of Mount Vernon Avenue and bounded on the east by the east curbline of Gale Hill.

D. "Coach" means any motor bus, motor coach, trackless trolley or passenger stage used as a common carrier of passengers.

E. "Council" means the city council of the city of Lindsay.

F. "Curb" means the lateral boundary of the roadway, whether or not such curb be marked by curbing construction. The word "curb" as herein used shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights of way of public utility companies.

G. "Divisional island" means a raised island located in the roadway and separating opposing or conflicting streams of traffic.

H. "Holidays" within the meaning of this chapter and Chapters 10.05 through 10.07 of this title, "holidays" are:

New Year's Day (January 1st);

Washington's Birthday (third Monday in February);

Memorial Day (last Monday in May);

Independence Day (July 4th);

Labor Day (first Monday in September);

Columbus Day (second Monday in October);

Veteran's Day (November 11th);

Thanksgiving Day (fourth Thursday in November);

Christmas Day (December 25th).

I. "Loading zone" means the space adjacent to a curb, reserved for the exclusive use of vehicles during the loading or unloading of passengers and/or materials.

J. "Official time standard" whenever certain hours are named herein, they shall mean standard ,time or daylight savings time, as may be in current use in the city.

K. "Parkway" means that portion of a street other than a roadway or sidewalk.

L. "Parking meter" means a mechanical device installed within or upon the curb or sidewalk area immediately adjacent to a parking space for the purpose of controlling the period of time occupancy of such metered space by any vehicle.

M. "Passenger loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

N. "Pedestrian" means any person afoot.

O. "Police officer" means every officer of the police department of the city, or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

P. "Stop," when required, means complete cessation of movement.

Q. "Streets" means all streets, highways, avenues, lanes, alleys, courts, places, squares, drives, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use or such other public property so designated in any law of this state.

R. "Vehicle Code" means the Vehicle Code of the state of California. (Ord. 413 § 4(part), 1987)

10.04.020 Traffic administration.

A. Authority of City Engineer. The city engineer shall exercise the powers and duties as provided in this chapter and Chapters 10.05, 10.06 and 10.07 and in the traffic ordinances of this city, in addition to his other functions. Whenever the city engineer is required or authorized to place or maintain official traffic-control devices or signals, he may cause such devices or signals to be placed or maintained.

B. Duties of City Engineer, Delegation. It shall be the general duty of the city engineer to determine the installation and proper timing and maintenance of traffic-control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of the city. Whenever, by the provisions of this chapter, a power is granted to the city engineer or a duty imposed upon him, the power may be exercised or the duty performed by a person authorized in writing by him. (Ord. 413 § 4 (part), 1987)

10.04.030 Enforcement and obedience to traffic regulations.

A. Authority of Police and Fire Department Officials. Officers of the police department and such officers as are assigned by the director of public safety are hereby authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department or members of the fire department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this chapter of the Vehicle Code.

B. Persons Other Than Officials Shall Not Direct Traffic. No person other than an officer of the police department or members of the fire department or a person authorized by the director of public safety or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as herein provided, any mechanical push-button signal erected by order of the city engineer.

C. Obedience to Police or Authorized Officers. No person shall fail to refuse to comply with or to

perform any act forbidden by any lawful order, signal, or direction of a traffic or police officer, or a member of the fire department, or a person authorized by the director of public safety or by law.

D. Traffic Regulations Apply to Persons Riding Bicycles or Animals. Every person riding a bicycle or riding or driving an animal upon a highway has all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by this chapter, except those provisions which by their very nature can have no application.

E. Obstruction or Interference with Police or Authorized Officers. No person shall interfere with or obstruct in any way any police officer or other officer or employee of the city in their enforcement of the provisions of this chapter. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this city in connection with the enforcement of the parking regulations of this chapter shall, if done for the purpose of evading the provisions of this chapter, constitute such interference or obstruction.

F. Public Employees to Obey Traffic Regulations. The provisions of this chapter shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it shall be unlawful for said operator to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by the Vehicle Code.

G. Exemptions of Certain Vehicles.

1. The provisions of this chapter regulating the operation, parking and standing of vehicles shall not apply to vehicles operated by police or fire departments, any public ambulance or any public utility vehicle or any private ambulance, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency or repair call.

2. The foregoing exemptions shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of this wilful disregard of the safety of others.

3. 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 or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail.

H. Report of Damage to Certain Property.

1. The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic-control device or other property of a like nature located in or along any street shall, within twenty-four hours after such accident, make a written report of such accident to the police department of the city.

2. Every such report shall state the time and place of the accident, the name and address of the person owning and/or operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.

3. The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in Subsection H1 of Section 10.04.030 within twenty-four hours after regaining ability to make such report.

I. When Vehicles May Be Removed From Streets. Any regularly employed and salaried officer of the police department of the city may remove or cause to be removed:

1. Any vehicle that has been parked or left standing upon a public street or highway for seventy-two or more consecutive hours;

2. Any vehicle which is parked or left standing upon a public street or highway between the hours of seven a.m. and seven p.m. when such parking or standing is prohibited by chapter or resolution of

the city and signs are posted giving notice of such removal;

3. Any vehicle which is parked or left standing upon a public street or highway or portion thereof that is necessary for the cleaning, repair or construction of the public street or highway, or for the installation of underground utilities, or where the use of the public street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic, or where the use of the public street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement, provided that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four hours prior to the removal;

4. Any vehicle (includes trailers) which is parked or left standing upon a public street or highway which is wrecked or unable to move under its own power for more than a consecutive period of two hours.

J. Authority of Police in Crowds. At places where large numbers of people and vehicles are to gather or have gathered, nothing in this chapter shall be construed to prevent any police officer from prohibiting any person from parking any vehicle upon or using any street or sidewalk, or from prohibiting any pedestrian from using any street or sidewalk, and said police officer shall have authority to direct the parking of vehicles in any reasonable manner, way or direction, and it is unlawful for any person to fail to promptly obey the said police officer's order, signal or command, regardless of any other provisions of this chapter. (Ord. 413 § 4(part), 1987)

10.04.040 Speed zones and regulation of traffic.

Pursuant to the provisions of Section 22357 of the California Vehicle Code, it is hereby determined that on certain streets, hereinafter designated in subsection B of this section, speeds of vehicular traffic greater than twenty-five miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe on said street at the prima facie speed limit of thirty, thirty-five, forty, forty-five, and fifty miles per hour respectively, as set forth in subsection B, and that on all remaining residential and business district streets in the city, as set forth pursuant to Section 22352 of the California Vehicle Code, a speed of greater than twenty-five miles per hour would not be reasonable or safe and the prima facie speed limit as to said streets should not be increased.

A. Establishment of Prima Facie Speed Limits. Establishment of prima face speed limits shall be done pursuant to an engineering and traffic survey as set forth in Section 627 of the California Vehicle Code and as specified in Chapter 8 of the California State Traffic Manual, and as stated hereafter in subsection B of this section. Further, as stated herein, the intent of this chapter is the facilitation of traffic movement in the city. Pursuant to Section 40802 of the California Vehicle Code, this chapter intends enforcement of prima facie speed limits within the city through the use of electronic instruments such as but not limited to radar.

B. Prima Facie Speed Limit. It is hereby determined and found that the prima facie speed limit as set forth below is most appropriate and will facilitate the orderly movement of traffic and is reasonable and safe. Said prima facie speed limits are hereby set and established in the following locations:

E/W Street	Between:	Speed Limit
Tulare Road	Fremont Trail & Ash Street	40*
Tulare Road	Ash & So. Pacific Railroad	35*
Tulare Road	Southern Pacific Railroad & Foothill	30*

N/S Street	Between:	Speed Limit
Parkside	Hickory and Whitney	40*
Mirage	Valencia and Lindmore	35*
Ash Avenue	Tulare Road and 1320 feet north of Tulare Road	40

"*" Denotes those roadway sections which have posted speed zones not justified by an engineering and traffic survey and thereby cannot legally be enforced with radar or other electronic devices as per California Vehicle Code Section 40802. (Ord. 430 § 1, 1989; Ord. 413 § 4 (part), 1987)

10.04.050 Traffic-control devices.

A. Authority to Install Traffic-control Devices.

1. The city engineer shall have the power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required to make effective the provisions of this chapter.

2. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application of such law, the city engineer is hereby authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

3. The city engineer may also place and maintain or cause to be placed and maintained such additional traffic-control devices as he may deem necessary or proper to regulate traffic or to guide or warn traffic, but he shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in this chapter or as may be determined by chapter or resolution of the council.

B. Traffic-control Signs Required for Enforcement Purposes. No provisions of the Vehicle Code or of this chapter for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic laws.

C. Obedience to Traffic-control Devices. The operator of any vehicle or train shall obey the instructions of any official traffic-control device placed in accordance with this chapter unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls.

D. Installation of Traffic Signals.

1. The city engineer is hereby directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

2. Whenever the city engineer installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection, street name signs clearly visible to traffic approaching from all directions unless such street name signs have previously been placed and are maintained at any said intersection.

E. Lane Marking. The city engineer is hereby 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 centerline of the roadway.

F. Distinctive Roadway Markings. 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 markings, and markings shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code.

G. Authority to Remove, Relocate and Discontinue Traffic-control Devices. The city engineer is hereby authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by the Vehicle Code or this chapter whenever he shall determine in any particular case that the conditions which warranted or required the installation no longer exist.

H. Traffic-control Devices—Hours of Operation. 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 chapter.

I. Unauthorized Painting of Curbs. No person, unless authorized by this city, shall paint any street or curb surface; however, this section shall not apply to the painting of address numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of the city pertaining thereto. (Ord. 413 § 4 (part), 1987)

10.04.060 Turning movements.

A. Authority to Place Turning Markers—Intersections, Multiple Lanes. The city engineer is authorized to place official traffic-control devices within or adjacent to intersections, and indicating the course to be traveled by vehicles turning at such intersections, and the city engineer is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right-hand or left-hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

B. Authority to Place Restricted Turn Signs. The city engineer is hereby authorized to 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. The making of such 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 or they may be removed when such turns are permitted.

C. Signal Controlled Intersections, Right Turns.

1. No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is sign-posted giving notice of such restriction as hereinafter provided in this section.

2. The city engineer shall post appropriate signs giving effect to this section where he determines that the making of right turns against traffic signal "stop" indication would seriously interfere with the safe and orderly flow of traffic. (Ord. 413 § 4 (part), 1987)

10.04.070 One-way streets and alleys.

A. Signage. Whenever any ordinance or resolution of this city designates any one-way street or alley, the city engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such 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. (Ord. 413 § 4 (part), 1987)

10.04.080 Special stops required.

A. City Engineer to Erect Stop Signs. Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a "through" street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the city engineer shall erect and maintain stop signs as follows:

1. A stop sign shall be erected on each and every street intersecting such through street or portions thereof so designated and at those entrances to other intersections where a stop is required and at any railroad grade crossing so des-

ignated; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic-control signal. Every such sign shall conform with, and shall be placed as provided in, the Vehicle Code.

B. Stop at Through Street or Stop Sign.

1. Those streets and parts of streets established by resolution of the city council are hereby declared to be "through" streets for the purposes of this section.

2. The provision of this section shall also apply at one or more entrances to the intersections at such entrances and intersections as established by resolution of the city council.

3. The provisions of this section shall apply at those highway railway grade crossings as established by resolution of the city council.

C. Emerging from Alleys, Driveways or Buildings. The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway. (Ord. 413 § 4 (part), 1987)

10.04.090 Miscellaneous driving rules.

A. Driving Through Funeral Processions. No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade, provided that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the police department.

B. Clinging to Moving Vehicle. No person shall attach himself with his hands, or catch on or hold onto with his hands or by any other means, to any moving vehicle or train for the purpose of receiving motive power therefrom.

C. Commercial Vehicles Using Private Driveways. No person shall operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area, or the driveway itself, without the expressed consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited. For the purpose of this section, "commercial vehicle" means a vehicle having a rated capacity in excess of one-half ton.

D. Riding or Driving on Sidewalk. No person shall ride, drive or propel or cause to be propelled, any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that said sidewalk area be substantially protected by wooden planks two inches thick, and written permission is previously obtained from the city engineer. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from six p.m. to six a.m.

E. New Pavement and Markings. No person shall ride or drive any animal over or across any newly made pavement or freshly painted markings on any street when a barrier sign, cone marker or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed.

F. Obedience to Barriers and Signs. No person, public utility or department in the city shall erect or place any barrier or sign on any street unless of a type approved by the city engineer, or remove, tamper with or destroy any barrier or sign lawfully placed on any street by, or disobey the instructions of, any person, public utility or any department of the city.

G. No Entrance Into Intersection that Would Obstruct Traffic. No operator of any vehicle shall enter any intersection or a marked crosswalk unless there is sufficient space on the side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

H. Limited Access. No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established.

I. Restrictions on Use of Freeways. No person shall drive or operate any bicycle, motor driven cycle or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by State law, nor shall any pedestrian walk across or along any such street so designated and described, except in a space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.

J. Traffic Barriers. 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; or

2. By any public utility; or

3. By any department of the city; or

4. By any other person pursuant to law or contract with the city, nor shall any unauthorized person move or alter the position of any such barrier or sign.

K. Lindsay City Park—Speed Limit. It shall be unlawful for any person to drive any vehicle at a speed greater than fifteen miles per hour in the Lindsay City Park.

L. Harvard Park Speed Limit. It shall be unlawful for any person to drive any vehicle at a speed greater than fifteen miles per hour in Harvard Park. (Ord. 413 § 4 (part), 1987)

10.04.100 Pedestrian regulations.

A. City Engineer to Establish Crosswalks.

1. The city engineer shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows: Crosswalks shall be established and maintained at all intersections within the central traffic district and at other places within or outside said district where the city engineer determines that there is a particular hazard to pedestrians crossing the roadway.

B. When Pedestrians Must Use Crosswalks. No pedestrian shall cross a roadway other than by a crosswalk in the central traffic district or in any business district. (Ord. 413 § 4 (part), 1987)

10.04.110 Stopping, standing and parking for certain purposes or in certain places.

A. Application of Regulations.

1. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all 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 or official traffic-control device.

2. 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 the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

B. Stopping or Standing in Parkways Prohibited. No person shall stop, stand or park a vehicle within any parkway.

C. City Engineer to Maintain "No Stopping Zones," "No Parking" and "Restricted Parking" Areas. The city engineer is hereby authorized to maintain, by appropriate signs or by paint upon the curb surfaces, all "No Stopping" zones, "No Parking" and "Restricted Parking" areas, as defined and described in this chapter. When curb markings or signs are in place, no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this chapter.

D. No Parking Areas. No operator of any vehicle shall stop, stand, park, or leave standing such 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 other authorized officer, or traffic sign or signal:

1. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings;

2. On either side of any street between any projected property lines of any public walk, public steps, street or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;

3. In any area where the city engineer determines that the parking or stopping of a vehicle would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;

4. In any area established by resolution of the city council as a "No Parking" area, when such area is indicated by appropriate signs or by red paint upon the curb surface;

5. Upon, along or across any railway track in such manner as to hinder, delay or obstruct the movement of any car traveling upon such track;

6. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

7. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement, provided that signs giving notice of such "No Parking" are erected or placed at least twenty-four hours prior to the effective time of such "No Parking";

8. Stop, stand or park on any street or highway any vehicle which is wrecked or unable to move under its own power for more than a consecutive period of two hours.

E. Use of Streets for Storage of Vehicles Prohibited. No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any public street or alley for more than a consecutive period of seventy-two hours.

F. Parking for Demonstration. No operator of any vehicle shall park said vehicle upon any public street in this city for the principle purpose of advertising or displaying it for sale, unless authorized by resolution of the city council.

G. Repairing or Greasing Vehicles on Public Streets. No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled, any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street.

H. Washing or Polishing Vehicles. No person shall wash or cause to be washed, polish or cause to be polished, any vehicle or any part thereof upon any public street in this city, when a charge is made for such service.

I. Parking Adjacent to Schools.

1. The city engineer is hereby authorized to erect signs indicating No Parking upon that side of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

2. When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

J. Parking Prohibited on Narrow Streets.

1. The city engineer is hereby authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

2. When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking.

K. Unlawful Parking—Peddlers, Vendors.

1. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged or any lunch wagon or eating cart or vehicle, on any portion of any street within the city except that such vehicles, wagons, or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place.

a. No person shall stand or park any such vehicle, wagon or pushcart within this city within one thousand feet of the exterior boundary of property used or occupied by any public school.

b. The provisions of this subsection shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution.

2. No person shall park or stand on any street, any lunch wagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy, ice cream or other articles of food are sold or offered for sale without first obtaining a written permit to do so from the city engineer, who shall designate the specific location in which such cart shall stand.

3. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the city engineer, who shall designate the specific location where such cart, vehicle or pushcart shall stand.

4. Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of this section, such permit shall be forthwith revoked by the city engineer upon the filing of the record of such conviction with such officer, and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation.

L. Emergency Parking Signs.

1. Whenever the city engineer or the director of public safety shall determine that an emergency traffic congesting is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the city engineer or the director of public safety shall have the 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 as the city engineer or the director of public safety shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency, and the city engineer or the director of public safety shall cause such signs to be removed promptly thereafter.

2. 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 directions and provisions of such signs. (Ord. 413 § 4 (part), 1987)

10.04.120 Stopping, standing or parking restricted or prohibited on certain streets—Timed parking zones.

A. Twenty-Minute Parking.

1. Green curb marking shall mean no standing or parking for a period of time longer than twenty minutes at any time between eight a.m. and five p.m. on any day except Sundays and holidays.

2. When authorized signs or curb markings have been determined by the city engineer to be necessary and are in place giving notice thereof, no operator of a vehicle shall stop, stand or park said vehicle adjacent to any such legible curb marking or sign in violation thereof.

B. One- and Two-Hour Parking Zones.

1. When authorized signs or curb markings have been determined by the city engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park said vehicle for a period of time longer than sixty consecutive minutes (one hour) between the hours of eight a.m. and five p.m. on any day except Sundays and holidays.

2. When authorized signs have been determined by the city engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle in those designated areas for a period of time longer than two consecutive hours between the hours of eight a.m. and five p.m. on any day except Saturday, Sunday and holidays.

C. Parking Parallel on One-Way Streets.

1. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street, unless signs are in place prohibiting such stopping or standing.

2. In the event a highway includes two or more separate roadways, and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

3. The city engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street, or when standing or parking may be permitted upon the left-hand side of any one-way roadway or highway having two or more separate roadways and shall erect signs giving notice thereof.

4. The requirement of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading/unloading freight or goods, in which case such vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the center line of the street and does not block traffic thereby.

D. Parking Parallel on Two-Way Streets or Highways. Subject to more restrictive limitations, a vehicle must be stopped, standing or parked within 18-inches of the right curb facing in the direction of traffic on all two-way streets or highways.

E. Diagonal Parking. On any streets, portions of streets or publicly owned parking lots established by resolution of the city council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it shall be unlawful for the operator of any vehicle to park said vehicle except:

1. At the angle to the curb or barrier indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of said allotted space.

2. With the front wheel nearest the curb or barrier within six inches of said curb or barrier.

The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading/ unloading passengers, freight or goods, in which event the provisions applicable in subsection C of Section 10.04.120 of this chapter shall be complied with.

F. Parking Space Markings. The city engineer is authorized to install and maintain parking space markings to indicate parking space adjacent to curbings and to publicly owned lots where authorized parking is permitted. When such parking space markings are placed on the pavement, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size and shape of such vehicle makes compliance impossible.

G. No Stopping Zones. The city engineer shall designate established "No Stopping" zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and days when stopping is prohibited. During the hours and on the days designated on the signs, it shall be unlawful for the operator or any vehicle to stop said vehicle on any public street or portion thereof established by

resolution of the city council as "No Stopping" zones.

H. All-Night Parking Prohibited. Whenever, within the Central Traffic District, signs are in place indicating that parking is prohibited for any specific time between the hours of two a.m. and five a.m. of any day, no person shall stop, stand or park a vehicle during any period of time prohibited by such signs.

I. Parking on City Property.

1. Whenever the city engineer shall determine that the orderly, efficient conduct of the city's business requires that parking or standing of vehicles on city property be prohibited, limited or restricted, the city engineer shall have the power and authority to order signs to be erected or posted indicating that the parking of vehicles is thus prohibited, limited or restricted.

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

J. Parking Commercial Vehicles in Residential Districts. No person shall park any commercial vehicle having an unladen weight exceeding five thousand pounds in any residential district except:

1. While loading/unloading property; or

2. When such vehicle is parked in connection with, or in aid of, the performance of a service to, or on a property in the block in which such vehicle is parked.

K. Movement of Parked Vehicle in Central Business District. No person shall stop, stand or park any vehicle except a commercial delivery vehicle actually engaged in making delivery or pickup of merchandise, more than one time within two consecutive hours in the Central Traffic District posted in accordance with this chapter.

L. Handicapped Parking. No person shall stop, stand or park any vehicle in a stall or space on public or private property designated for physically handicapped persons if such stall or space is indicated by blue paint on the curb. In addition to the blue curb, the space may also be indicated by signage consisting of a profile view of a wheelchair-with-occupant immediately adjacent to and visible from such stall or space. Any vehicle parked in a stall or space so marked or signed must display a distinguishing handicapped license plate or handicapped placard issued pursuant to Sections 22511.5 or 9105 of the California Vehicle Code. This chapter shall not apply to any privately owned and maintained parking facility generally held open for use of the public for purposes of vehicular parking unless the owner or operator has caused to be posted in a conspicuous place at each entrance to such off-street parking facility, a notice not less than seventeen inches by twenty-two inches in size, with lettering not less than one inch in height, to the effect that such off-street parking is subject to enforcement of handicapped parking spaces as per the Lindsay Municipal Code.

M. Violations. Any violation of this section shall constitute an infraction and shall be punished as hereafter provided:

1. A fine not to exceed twenty-five dollars;

2. On the tenth court day following the date indicated on the citation as the date to appear, if no appearance has been made by either:

a. Payment of bail,

b. Payment of a fine imposed by this section, or

c. The filing of a Notice of Contest with the collecting agency,

the citation shall be deemed delinquent and a fine of five dollars shall be imposed in addition to that imposed under subsection M1.

3. On the fortieth calendar day following the date indicated on the citation as the date to appear, if no appearance has been made by either:

a. Payment of bail,

b. Payment of a fine imposed by this section, or

c. The filing of a Notice of Contest with the collecting agency,

the citation shall be deemed delinquent and an additional fifteen dollars shall be imposed in addi-

tion to that imposed under subsections M1 and M2.

N. Collection Agency. For the purpose of processing parking citations and collecting bail, fines and penalties, the "collecting agency" will be the Lindsay Justice Court of the city. (Ord. 413 § 4 (part), 1987)

10.04.130 Parking and pedestrian regulations on city property.

A. Control. All property owned, leased, or otherwise under the control of the city is, by authority of this chapter, subject to provisions of Sections 21113 and 22651(n) of the California Vehicle Code.

B. Regulation of Pedestrian and Vehicular Traffic. When the city engineer has determined that a particular portion of city property mentioned in subsection A of Section 10.04.130 is open to vehicular or pedestrian travel, and that the regulation of pedestrian and vehicular travel is necessary, the city engineer shall authorize the posting of said property in accordance with this chapter:

1. When authorized signs are erected in place giving notice of particular restriction on said property and any hours of limited enforcement, no operator of any vehicle shall drive, park or leave standing said vehicle in any area restricted or regulated, except in accordance with the posted regulation.

2. When authorized signs are erected in place giving notice of particular restriction on said property and any hours of limited enforcement, no rider of any bicycle, unicycle or other wheeled contrivance shall drive, ride, park or leave standing said bicycle, unicycle or other wheeled contrivance except in accordance with posted regulation.

3. When authorized signs are erected in place giving notice of a particular prohibition or restriction on said property and any hours of limited enforcement, no person shall walk, trespass, stand, loiter, drive or ride through any area where such passage, standing, loitering, driving or riding is prohibited or restricted.

C. Violations, Section 10.04.130, Subsections B1 and B2.

1. Violation of subsections B1 and B2 of this section shall constitute an infraction and be punishable according to the provisions of Section 10.04.190 of the Municipal Code.

2. In addition to the punishment indicated in subsection C1 of this section, if the property is posted indicating a tow-away zone, the vehicle may be towed from the property at the registered owner's expense.

D. Violations, Section 10.04.130, Subsection B3.

1. Violation of subsection B3 of Section 10.04.130 shall constitute a misdemeanor and is punishable according to Section 17 of the Penal Code of the state. (Ord. 413 § 4 (part), 1987)

10.04.140 Stopping for loading or unloading only.

A. Authority to Establish Loading/Unloading Zones.

1. The city engineer is hereby authorized to determine and to mark "Loading" or "Unloading" zones as follows:

a. At any place in the Central Traffic District or any business district;

b. Elsewhere in front of the entrance to any place of business, or in front of any hall or place used for the purpose of public assembly.

2. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.

3. Loading/unloading zones shall be indicated by yellow paint upon the top of all curbs within such zones.

4. Passenger Loading zones shall be indicated by white paint upon the top of all curbs in said zones.

B. Curb Markings to Indicate "No Stopping" and Parking Regulations. The city engineer is hereby authorized, subject to the provisions and limitations of this chapter, to place, and when re-

quired herein shall place, the following curb markings to indicate parking or standing regulations and such curb markings shall have the meanings as herein set forth.

1. Red shall mean no stopping, standing or parking at any time, except as permitted by the Vehicle Code, and except that a bus may stop in a Red zone marked or signed as a bus zone.

2. Yellow shall mean no stopping, standing or parking at any time between seven a.m. and six p.m. of any day except Sundays and holidays for any purpose other than the loading/unloading of passengers or materials, provided that the loading/unloading of passengers shall not consume more than three minutes, nor the loading/unloading of materials more than twenty minutes.

3. White shall mean no stopping, standing or parking for any purpose other than loading or unloading passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three minutes, and such restrictions shall apply between the hours of seven a.m. and six p.m. of any day except Sunday and holidays, except as follows:

a. When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times;

b. When such zone is in front of a theater, the restrictions shall apply at all times except when such theater is closed.

4. Blue shall mean parking strictly limited to use by physically handicapped drivers and/or passengers in vehicles displaying distinguishing license plates or placards issued pursuant to Sections 511.5 or 9105 of the California Vehicle Code.

5. Green Curb. (See subsection A of Section 10.04.120.

6. When the city engineer, as authorized under this chapter, has caused curb markings to be placed, 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.

C. Effect of Permission to Load or Unload.

1. Permission herein granted to stop or stand a vehicle for the purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty minutes.

2. The loading or unloading of materials shall apply only to commercial deliveries, and the delivery or pickup of express and parcel post packages and United States mail.

3. Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage but shall not exceed the time necessary therefor, and in no event for more than three minutes.

4. Within the total time limits above specified, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

D. Standing for Loading or Unloading Only. No person shall stop, stand or park a vehicle in any Yellow Loading Zone for any purpose other than loading or unloading passengers or materials for such time as permitted in Subsection (C)(1—4) of this section.

E. Standing in Passenger Loading Zone. No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in subsections C1 through C4 of this section.

F. Standing in any Alley. No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley. Such loading or unloading is limited to the time periods specified in subsections C1 through C4 of this section.

G. Coach Zones to be Established.

1. The city engineer is hereby authorized to establish Bus Zones opposite curb space for the loading/unloading of buses or common carriers of passengers and to determine the location thereof.

2. Coach zones shall normally be established on the far side of an intersection.

H. Bicycle Parking Zones. When the city engineer shall determine that the establishment of a bicycle parking zone is reasonably necessary or desirable for the regulation of traffic or to provide facilities for the temporary parking of bicycles being operated upon public streets, or to safeguard life or property, he is hereby authorized to set aside a space on the street not more than thirty-six feet in length for the parking of bicycles during such hours of such days as are found by him to be best suited for the accomplishment of the purpose set forth in this section. When a bicycle parking zone is so established, the city engineer shall cause appropriate signs to be posted thereat during such hours, giving notice that parking of other vehicles is prohibited. No person shall stop, stand or park any other vehicles in front of such zone while such signs are in place.

I. Funeral Zones. No operator of any vehicle shall stop, stand or park said vehicle for any period of time longer than is necessary for the loading or unloading of passengers, and not to exceed three minutes at any place between the limit marks or signs placed within the projected real property boundaries of any undertaking establishment, private residence or any public or private place at any time during, or within forty minutes prior to, the beginning of any funeral or funeral service, unless the operator of said vehicle is directed by or has received permission from the director or other person in charge of such funeral or funeral service to park such vehicle in such place, provided that such director or person in charge shall have placed and maintained prior to and during the time limit specified herein, two approved portable signs, one at each extremity of such place, upon the sidewalks or pavement area, and within two feet of the curb.

J. Taxicab Stands.

1. The city engineer may establish taxicab stands and determine the location thereof.

2. The curb surface within each taxicab stand shall be painted white and marked "Taxicab Stand" in red lettering, or shall be designated by signs of a type approved by the city engineer.

3. No operator of any vehicle, other than a taxicab or automobile for hire, shall park said vehicle in such taxicab stand zone.

K. Special Passenger Loading Zones. No operator of any vehicle shall stop, stand or park said vehicle in any Special Passenger Loading Zone when approved permanent or portable signs are in place, as hereinafter provided, for any period of time longer than is necessary for the loading or unloading of passengers, and not to exceed three minutes. "Special passenger loading zones," as used herein, means those areas adjacent to the curb, not more than sixty feet in length located between two approved permanent or portable signs in front of or adjacent to, and within the projected real property boundaries of any church, theater, club or place of business or public gathering. Said signs shall be provided and paid for by the church, theater, club or place of business or public gathering for which they are used and shall be approved by the city engineer.

L. Double Parking. No person shall stop, park or leave standing any vehicle, attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or official traffic device, on the roadway side of any vehicle that is stopped, parked or standing at the curb or edge of a street or highway. (Ord. 413 § 4 (part), 1987)

10.04.150 Designated truck routes and commercial vehicle prohibitions.

A. Designated Truck Routes. The following streets, or portions thereof, situated in the city, are designated to be, and as, the approved truck routes of the city:

Route	Limits
1. Ashland	Hermosa to Frazier
2. Elmwood Avenue	Lewis Street to Mirage Avenue
3. Foothill Avenue	Hermosa to Sierra View Avenue
4. Frazier	Mr. Vernon to Ashland
5. Harvard Avenue	Lindmore to 800′ north of Sierra View Avenue
6. Hermosa Street	Oxford to Harvard, Sweet Brier to Ashland
7. Honolulu Street	Sweet Brier to Mt. Vernon
8. Lewis Street	Mt. Vernon to Elmwood
9. Lindmore Street	Highway 65 to East City Limits
10. Lindsay Boulevard	Lindmore to Mr. Vernon
11. Mariposa Street	Mt. Vernon to Westwood
12. Mirage Avenue	Lindmore to Valencia
13. Mr. Vernon Street	Lewis to Mariposa
14. Parkside	Tulare Road to City Limits
15. Sweet Brier Avenue	Lewis Street to Tulare Road
16. Tulare Road	Oak Street to East City Limits
17. Valencia	Mirage Avenue to Harvard Avenue
18. Westwood	Mariposa to Tulare Road

B. Designated Truck Route—Signage. The city council hereby finds that the erection of signs along the streets on which commercial vehicles exceeding a gross weight of fourteen thousand pounds are allowed shall best serve to give notice of this chapter. The city engineer is authorized to designate such streets by the erection of appropriate signs showing the designated truck routes.

C. Exceptions.

1. This chapter shall not prohibit any commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or delivery of goods, wares, and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted street for which the building permit has been obtained.

2. This chapter shall not apply to passenger buses governed by the provisions of the Public Utilities Code Sections 1031 through 1036, or any vehicle owned by public utilities.

D. Advertising vehicles. No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with sound-amplifying or loud-speaking device upon any street or alley at any time within the Central Traffic District. (Ord. 441 §§ 1, 2, 1991: Ord. 435 § 1, 1989: Ord 415 § 1, 1987: Ord. 413 § 4 (part), 1987)

10.04.160 Trains.

A. Railway Gates. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

B. Trains Not to Block Crossings. No person shall cause or permit any railway train or railway car(s) or similar vehicle on rails to stop or stand or to be operated in such a manner as to prevent the use of any street for the purpose of travel for a period of time longer than ten minutes, except that this provision shall not apply to railway

trains, cars or similar vehicles on rails while blocking or obstructing a crossing because of an accident which requires the operator of the train, car or similar vehicle on rails to stop at or near the scene of the accident. (Ord. 413 § 4 (part), 1987)

10.04.170 Special speed zones—Regulation of speed by traffic signals.

Regulation of Speed by Traffic Signals. The city engineer is authorized to regulate the timing of traffic signals so as 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. (Ord. 413 § 4 (part), 1987)

10.04.180 Movement of heavy vehicles and equipment.

A. Permit Required. No person shall move or operate upon any of the city streets any vehicle with a load or loads in excess of those permitted by the Vehicle Code without a written permit from the city engineer and/or the director of public safety. The city engineer may, by written permit, authorize a load or loads in excess of those allowed for in the Vehicle Code if, in his judgment, the streets upon which such vehicle is to be operated can safely withstand the additional weight, or if the applicant will guarantee to the city that all costs of repair to the streets or to the public property of the city damaged by the movement of such load or loads will be paid in full. Such permit shall be granted upon such conditions and upon depositing such bond as the city engineer and the director of public safety, in their discretion, may require.

B. Flange Wheel Machinery. No person shall operate over the city streets any vehicle, piece of equipment or machinery which has lugs, cleats, flanges or other projections on the wheels or tracks. If the tread of the track has projections or corrugations, a filler block may be placed on each section so that a flat bearing surface will be in contact with the pavement at all times. (Ord. 413 § 4 (part), 1987)

10.04.190 Violation—Penalty.

A. Violation of any of the provisions of this chapter shall be unlawful and constitute an infraction. Any person convicted of violating any provision of this chapter shall be punished by:

1. A fine not exceeding fifty dollars for a first violation;

2. A fine not exceeding one hundred dollars for a second violation of the same section within one year;

3. A fine not exceeding two hundred fifty dollars for each additional violation of the same section within one year.

B. The phrase "violation of the same section" as used in this section means and refers to a violation of the same numbered section of the Lindsay Municipal Code. (Ord. 413 § 4 (part), 1987)

Chapter 10.05

OBSTRUCTION OF SIDEWALKS AND STREETS

Sections:

10.05.010 Display of goods on sidewalks and obstructions of streets.

10.05.010 Display of goods on sidewalks and obstructions of streets.

A. Permit Required. It is unlawful for any person, firm or corporation to use or occupy any public sidewalk in the city for the display of goods, wares or merchandise, or to use the exterior walls of any building abutting upon any public sidewalk, street, alley or passageway, for the display of goods, wares, merchandise, boxes, barrels, trunks or other articles, upon any street or public sidewalk or portion thereof, in the city without a permit from the city manager; provided, however, that the above restrictions shall not apply when said goods, wares, merchandise, boxes, barrels or other articles are in the actual process of being loaded into or discharged from a vehicle. The actual loading of such articles shall not consume a period of time in excess of thirty minutes. (Ord. 413 § 4 (part), 1987)

Chapter 10.06

BANNERS ACROSS STREETS

Sections:

10.06.010 Banners prohibited.

10.06.010 Banners prohibited.

A. Expressed Consent Required. It is unlawful for any person, firm, or corporation, or any agency, employee or representative thereof, to install, suspend, place or maintain over, above, across, in or upon the roadway, or portion between the curblines of any public street of the city, any advertising banner or streamer, or any advertising sign whatever, without the expressed consent of the city manager and/or the director of public safety. (Ord. 413 § 4 (part), 1987)

Chapter 10.07

OFF-HIGHWAY USE OF MOTORCYCLES AND MOTOR BIKES

Sections:

10.07.010 Prohibited activities.

10.07.010 Prohibited activities.

A. Prohibited Areas. It is unlawful for any person to ride or operate any motorcycle or motor bike of any kind on any private property or unoccupied public property within one-quarter mile of any school, hospital, convalescent home or residential area herein defined, except upon a regularly established private road, driveway or parking lot appurtenant to a structure on that property. A "residential area," within the meaning of this section, means any area one-quarter mile in depth abutting a public or private road and one-quarter mile in length measured along such road and which contains any apartment house, condominium, multiple unit dwelling structure, or four or more residences of any kind or combination.

B. Reckless Driving Prohibited. Except as hereinafter provided, it is unlawful for any person to drive any motor vehicle in or upon any property open to and intended for use by the public or the patrons of an adjacent business, commercial, industrial, entertainment or recreational establishment or public facility of any kind, without having in his possession a valid operator's license issued in accordance with the California Vehicle Code, or in wilful or wanton disregard for the safety of persons or property.

C. This section shall not apply to any property or portion thereof being used for a special event with the expressed permission of the owner or his representative and from which the public has been temporarily excluded, nor shall it apply to a public highway or to any act prohibited by the Vehicle Code or other law of the state. (Ord. 413 § 4(part), 1987)

Chapter 10.08

PARADES

Sections:

10.08.010	**Permit—Required.**
10.08.020	**Permit—Application contents.**
10.08.030	**Permit—Considerations for approval.**
10.08.040	**Permit—Appeal of denial.**
10.08.050	**Penalty for violation.**

10.08.010 Permit—Required.

No person shall conduct a parade in or upon the public streets, sidewalks, highways or parks of the city, or participate in any such parade unless and until a permit to conduct the parade has been obtained from the city manager, or as provided in this chapter, from the council of the city. (Ord. 319 § 1, 1972)

10.08.020 Permit—Application contents.

A. Any person desirous of conducting a parade shall apply to the city manager for a permit at least five days in advance of the proposed parade. The application for the permit shall be made in writing on a form approved by the city manager. In order that adequate arrangements may be made for the proper policing of the parade, the application shall contain the following information:

1. The name, address and telephone number of the person requesting the permit. 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 head of the organization;

2. The name, address and telephone number of the person who will be the parade chairman and will be responsible for its conduct;

3. The purpose of the parade;

4. The date when the parade is to be conducted;

5. The hours when the parade will start and terminate;

6. The route of the parade;

7. The approximate number of persons who, and the number and the kind of vehicles and animals which will constitute the parade;

8. The location of the assembly area of the parade;

9. The location of the dispersal area of the parade;

10. The plans for the assembly and dispersal of the parade, including the times thereof;

11. A statement as to whether the parade will occupy all or only a portion of the streets proposed to be traversed;

12. If the dispersal area of the parade is located in another jurisdiction, the location of the dispersal area, and if a parade permit is required but has not been issued by such other jurisdiction, an alternate route and alternate dispersal area in the city;

13. Such other information as the city manager may reasonably require.

B. If there is no prior application for a parade at the time and place, the city manager shall issue a permit granting the application, subject to the provisions of Section 10.08.030. In the event that there is a prior application for a parade to held at that time, the city manager may deny the permit therefor. The applicant for the parade permit shall be notified in writing of the action of the city manager in granting or denying the permit at least ten days prior to the date of the proposed parade. In the event the application is denied, the written notice of the denial shall set forth the reasons therefor. (Ord. 380 § 2, 1982; Ord. 319 § 2, 1972)

10.08.030 Permit—Considerations for approval.

The city manager may refuse a permit for a parade when in his judgment the conditions of vehicular and pedestrian traffic or the effect upon stores, offices and other places of business, or upon residents or hospitals, churches, institutions reserved for the sick, schools, or educational insti-

tutions in the vicinity, all considered in relation to the safety, comfort and convenience of the public generally, so warrants. In making his determination, the city manager may confer with the chief of police who may suggest alternative routes, locations or time for any parade if in his judgment the provisions of this section so require. (Ord. 319 § 3, 1972)

10.08.040 Permit—Appeal of denial.

Upon a denial by the city manager of an application made in pursuance of Sections 10.08.020 or 10.08.030, the applicant may appeal from the determination of the city manager within two days thereafter to the city council by filing his application with the clerk of the city who shall set the appeal for hearing by the council at its next meeting. Upon such appeal the council may reverse, affirm or modify in any regard the determination of the city manager. To carry out the judgment of the council upon appeal, the city manager shall be directed to act in conformity with the judgment of the council. (Ord. 319 § 4, 1972)

10.08.050 Penalty for violation.

A. It is unlawful for any person to violate any provision or to fail to comply with its terms and provisions of this chapter.

B. Any person violating any provisions or failing to comply with any provisions of this chapter is guilty of a misdemeanor.

C. Any person convicted of a misdemeanor for violating any provisions or failing to comply with this chapter shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county or city jail not exceeding six months, or by both such fine and imprisonment. (Ord. 319 § 5, 1972)

Chapter 10.09

COSTS FOR EMERGENCY RESPONSES

Sections:

10.09.010	**Negligent operation of motor vehicle while under influence of alcoholic beverage or drug.**
10.09.020	**Influence of alcoholic beverage or drug—Inability to operate motor vehicle.**
10.09.030	**Collection of costs.**
10.09.040	**Expense of an emergency response.**
10.09.050	**Intentionally wrongful conduct.**

10.09.010 Negligent operation of motor vehicle while under influence of alcoholic beverage or drug.

Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle caused by that influence proximately causes an incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in appropriate emergency response, is liable for the expense of an emergency response by the city department of public safety to the incident. (Ord. 424 § 1 (part), 1988)

10.09.020 Influence of alcoholic beverage or drug—Inability to operate motor vehicle.

For purposes of this chapter, a person is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, when as the result of drinking an alcoholic beverage or using a drug, or both, his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with caution characteristic of a sober person of ordinary prudence under the same or similar circumstances. For purposes of this chapter, the presumption as described in Sections 23152 and 23155 of the California Vehicle Code shall apply. (Ord. 424 § 1 (part), 1988)

10.09.030 Collection of costs.

The expense of an emergency response shall be a charge against the person liable for expenses under this chapter. The charge constitutes a debt of that person and is collectible by the city in the same manner as in the case of an obligation under a contract, express or implied. Any action brought on behalf of the city under this chapter may be brought in small claims court by the city's finance director, or his designee, if appropriate. Those actions not appropriate for small claims court may be brought by the city attorney on behalf of the city. (Ord. 424 § 1 (part), 1988)

10.09.040 Expense of an emergency response.

Upon adoption of the ordinance codified in this chapter, the city council shall, by resolution, determine a schedule of costs which reflect reasonable costs incurred by the Lindsay department of public safety in making an appropriate emergency response to an incident to which this chapter shall apply. This schedule of costs shall take into consideration those costs directly arising because of the response to the particular incident and shall include primary costs of providing police and other emergency personnel at the scene of the incident, including the salaries of the personnel responding to the incident, and those secondary costs relating to generation of reports of the particular incident, as well as fingerprinting and photographing the person liable, including the salaries of the personnel involved in the secondary activities. The council may, from time to time, revise the schedule of costs by resolution. (Ord. 424 § 1 (part), 1988).

10.09.050 Intentionally wrongful conduct.

"Intentionally wrongful conduct" is defined as that conduct intended to injure another person or property, whether or not in the operation of a motor vehicle. (Ord. 424 § 1 (part), 1988)

Chapter 10.10

TRANSPORTATION DEMAND MANAGEMENT PROGRAM

Sections:

10.10.010	**Policy and purpose.**
10.10.020	**Definitions.**
10.10.030	**Applicability.**
10.10.040	**Average vehicle ridership goal.**
10.10.050	**Transportation demand management plan.**
10.10.060	**Transportation demand management strategies.**
10.10.070	**Procedure.**
10.10.080	**Administration.**
10.10.090	**Fees.**
10.10.100	**Appeals.**
10.10.110	**Severability.**
10.10.120	**Enforcement and penalties.**
10.10.130	**Exemption.**
10.10.140	**Applicability to employers participating in a transportation management association (TMA).**

10.10.010 Policy and purpose.

A. The purpose of this chapter is to promote the development of transportation demand management (TDM) programs at all new developments within the city. In order to accomplish this purpose, this chapter establishes certain requirements to enable the city to evaluate the effectiveness of TDM programs and to chart progress toward achieving the average vehicle ridership goals established in this chapter. It is also the purpose of this chapter to require certain employers to designate specified individuals to ensure the proper coordination of such reporting and implementation programs.

B. This chapter is intended to meet the requirements of Government Code Section 6508(a) et seq., which mandates the development of a trip reduction and travel ban element of the congestion management program adopted by the Tulare County Association of Government/Transportation Planning Agency (TCAG/TPA). Further, the legislation requires all local agencies to prepare and adopt a TDM ordinance. (Ord. 450 § 1 (part), 1993)

10.10.020 Definitions.

As used in this chapter, the following words and terms shall have the meanings herein described:

"Alternative transportation modes" means any mode of travel that serves as an alternative to the single-occupant vehicle. This can include all forms of ridesharing such as carpooling or vanpooling, as well as public transit, bicycling or walking.

"APCD" means the San Joaquin Valley Unified Air Pollution Control District.

"Application project" means any development project that is determined to be a work site for the number of employees equal to or greater than the employee threshold number established by the city council.

"Average vehicle ridership (AVR)" means the total number of employees assigned to a worksite, Monday through Friday, divided by the number of vehicles they drive from home to work. Credit may be given and the calculation for employee work trips eliminated during a biweekly no work period due to the use of compressed work week or telecommuting.

"Carpooling" means two or more persons traveling together in a single vehicle.

"Commute alternatives" means any form of commute transportation except by single-occupancy vehicle powered by an internal combustion engine.

"Commute coordinator" means an employee or contractor of an employer, whose responsibility is the day-to-day management of any transportation demand management program.

"Compressed workweek" means a work schedule for an employee which eliminates at least one round trip commute biweekly. For example, forty hours of work in four ten-hour days or a work

plan that allows one day off every other week, known as the "9/80 plan."

"City engineer" means the city engineer of the city or his/her duly authorized designee.

"Designee" means any private entity, governmental agency or city employee designated by the city to administer all or any of the provisions of this chapter except those related to the bringing of enforcement actions under this chapter.

"Development project" means any nonresidential or mixed-use project requiring discretionary approval by the city.

"Director" means the director of community development for the city.

"Employee" means one who is assigned to the designated work site. An employee who works in the service of an employer for either wages or salary, as a contract employee under the direction of the work site employer or through a temporary service agency during a period of more than ninety days.

"Employee threshold" means the number of employees as defined in Section 10.10.030 of this chapter and set by resolution of the city council that determines when the terms of this chapter apply to an employer.

"Employer" means any public or private employer, including the city, which has a work site in the city. For purposes of this chapter, the annual average number of full-time employees on the day shift at the designated work site shall determine the size of the employer.

"Flexible work hours" means a variation of an employee's work hours to provide an incentive for the employer to use commute alternatives.

"Improvement plans" means plans submitted to the city as part of an application for a building permit for new nonresidential development or expansion of existing or change of use (as defined by the Uniform Building Code) of any nonresidential building facility.

"Mixed-use development" means the development of a parcel or structure with two or more different land uses such as, but not limited to, a combination of limited residential, office, commercial retail, public or entertainment in a single or physically integrated group of structures.

"Peak period" means seven a.m. to nine a.m. and four p.m. to six p.m., Monday through Friday, excluding federal holidays. Peak periods shall mean employees commute trips to a work site where the employees workday begins.

"Person" means an individual, trust, firm, joint stock company, corporation, partnership, association or other business entity, city, county, district, the state, department or agency thereof, or the United States, to the extent authorized by law.

"Single-occupancy vehicle" means a motor vehicle occupied by or for an employee for commute purposes.

"Site development plan" means a plan of development that is subject for public hearing before the city council or project review committee.

"Telecommuting" means a system of either working at home or at an on-site work station with computer facilities that line to the work site.

"Transportation demand management (TDM)" means the provision of information, assistance, incentives or other measures designed to meet an average vehicle ridership (AVR) and which is intended to reduce the number of vehicles with internal combustion engines driven on streets or highways to work site(s).

"Transportation management association (TMA)" means an organization through which developers, employers and/or local governments cooperate in designing, implementing or evaluating TDM programs.

"Transportation system management (TSM)" means low cost improvements to the transportation system (roads and transit) which increase the operational efficiency and/or capacity of the system.

"Trip reduction" means reducing the number of work related trips on streets or highways taken during work week hours in single-occupancy vehicles powered by internal combustion engines.

"Vanpool" means a van occupied by five or more persons traveling together.

"Work site" means a building or group of buildings which are in actual physical contact or separated solely by a private roadway or easement and which are owned and operated by an employer. (Ord. 450 § 1 (part), 1993)

10.10.030 Applicability.

This chapter shall apply to all new employers (both public and private) within the city with the employee threshold number or more employees, defined by resolution of the city council. All new development projects that are estimated to generate, either in the project itself or as a result of adding the project to an existing development, the employment of the employee threshold number or more persons, as determined by using the threshold number or more persons, by using the methodology set forth in subsection A of this section.

A. For purposes of determining whether a new development project is subject to this chapter, the total number of employees which the project is estimated to generate will be determined by the city as follows:

1. Employment projections developed by the project applicant, subject to approval by the city engineer or responsible staff; or

2. Employment projections developed by city engineer or responsible staff using the latest Institute of Transportation Engineer's "Trip General Manual"; or

3. In the case of a multi-use development, the employment projection shall be calculated on a case-by-case basis based upon the proportion of development devoted to each type of use.

4. The employment projections for land uses not identified above shall be determined pursuant to subsection A1 above.

B. The employer shall be responsible for complying with the provisions of this chapter. (Ord. 450 § 1 (part), 1993)

10.10.040 Average vehicle ridership goal.

An average vehicle ridership goal shall be established by a resolution of the city council for each employer participating in this program and is intended to measure progress toward a reduction in vehicle trips to the work site.

The following AVR goals are established in order to achieve and measure progress toward a net increase in the use of commute alternatives and a reduction in vehicle trips to the worksite:

A. By July 1, 1994, AVR goal shall be 1.3.

B. By July 1, 1997, AVR goal shall be 1.4.

C. By July 1, 2000, AVR goal shall be 1.5.(Ord. 450 § 1 (part), 1993)

10.10.050 Transportation demand management plan.

All employers who meet the employee threshold criteria shall be responsible for the preparation and submittal of a transportation demand management plan. The plan shall be prepared to meet the average vehicle ridership (AVR) goal. The plan shall include the following sections:

A. Employee profile of the business.

B. Exiting average vehicle ridership.

C. Transportation demand management strategies selected for implementation.

D. Implementation timetable.

E. Monitoring program.

F. Contact person or commute coordinator. (Ord. 450 § 1 (part), 1993)

10.10.060 Transportation demand management strategies.

The following strategies should be considered when developing employer based transportation demand management plans or as part of the design of new projects or the remodeling of existing development:

A. Ride Share Programs. The establishment of a carpool/vanpool program for the employer (if practical) or the participation in an existing carpool/vanpool matching service. The designation of parking spaces, located as close as is practical to each entrance or at other preferential locations within the employee parking area, for use by carpool and carpool vehicles, can be part of this program. These spaces may be reserved and desig-

nated for carpool/vanpool parking by marking such spaces "Carpool Only."

B. Park and Ride Lots. The establishment of park and ride lots on or near the development project site or at satellite locations should be coordinated with public transit routing or carpool/vanpool services.

C. Bicycle Programs. Bicycle racks may be provided for use by employees who commute to the site by bicycle. The bicycle parking area may be established in a secure location and be in close proximity to employee entrances. Provision of connections to existing and planned on-street and off-street bike trails may also be incorporated in to the site plans. Development projects may also wish to include shower facilities into their facility design.

D. Transit Service Program. Transit waiting shelters, including bus pullouts, bus pads and right-of-way for bus stops may be provided for development projects located along established or proposed bus routes. The applicability of this provision shall be determined in conformance with standard traffic engineering principals, including blocked traffic due to stopped buses and the level of transit ridership at the location. Transit information services or employer based transit pass programs may also be considered as strategies.

E. Alternate Work Schedules. Employers may wish to establish flexible work hours, compressed workweeks or staggered work schedules which move commute trips out of the peak period (seven a.m. to nine a.m. and four p.m. to six p.m.)

F. Pedestrian Access. Sidewalks and other paved pathways may be provided on-site to connect off-site external pedestrian circulation systems (planned or existing) to the building site. Sidewalk locations may integrate existing and planned waiting shelters with building entrance(s).

G. Joint Access and Shared Parking. For applicable developments designed as a work site, provision of joint access and shared parking across multiple parcels may be incorporated into project design to facilitate integration of TDM strategies.

H. Telecommunications. The employer's use of telecommunications, teleconferencing and telecommuting can be made a part of the strategy as it relates to the reduction in peak period trips to the work site.

I. Commuter Information. An area within the facility may be provided to disseminate information on alternative transportation modes. This area shall be centrally located and accessible to all employees. The space shall be of sufficient size to provide information on alternative transportation modes, such as current maps, routes and schedules for public transit

J. On-Site Support Facilities. Mixed use developments which include such services as day care, lunch rooms/cafeterias, banks, restaurants and retail uses. (Ord. 450 § 1 (part), 1993)

10.10.070 Procedure.

A. All new employers who are subject to the provisions of this chapter shall submit a transportation demand management plan prepared in conformance with the city's guidelines by July 1, 1993.

B. Any new employer who attains the employee threshold contemplated under this chapter shall be required to submit a transportation demand management plan within twelve months of reaching said employee threshold.

C. Any new development project which begins business at or above the employee threshold established by resolution of the city council, as determined under subsection 10.10.030(B) of this chapter, shall submit a transportation demand management plan for review at the time an application for a discretionary permit is submitted.

D. An employer or new development project submitting a transportation demand management plan under this chapter shall submit two copies of said plan to the city.

E. All transportation demand management plans shall be reviewed by the city engineer or his designated representative. All employers with an

approved transportation demand management plan shall make annual reports to the city on the success of their efforts at achieving the average vehicle ridership goal. (Ord. 450 § 1 (part), 1993)

10.10.080 Administration.

This chapter shall be implemented and enforced in accordance with customary methods and procedures of the city regarding developments. (Ord. 450 § 1 (part), 1993)

10.10.090 Fees.

For the purposes of meeting its obligations under this chapter, the city may impose on each transportation demand management plan which is submitted a fee as set by resolution of the city council for the cost of processing and reviewing the plan. A separate fee may be collected for the review of the annual report. This annual fee shall also be set by resolution of the city council. (Ord. 450 § 1 (part), 1993)

10.10.100 Appeals.

An employer may, within ten days following the date of a decision made by the city engineer pursuant to this chapter, appeal said decision to the director. The appeal shall be in writing and shall set forth the terms upon which the appeal is based and state specifically the error or abuse of discretion or lack of evidence to support said decision. If said employer is still not satisfied by the decision of the director, he shall submit, in writing, an appeal to city council. The council shall consider and decide all issues raised in the appeal, and may affirm, reverse or modify the decision appealed to it. The decision of the council shall be final. (Ord. 450 § 1 (part), 1993)

10.10.110 Severability.

The city council declares that should any section, paragraph, sentence or word of this chapter of the code, hereby adopted, be declared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter independent of any such portion as may be declared invalid. (Ord. 450 § 1 (part), 1993)

10.10.120 Enforcement and penalties.

For purposes of insuring that applicable developments comply with the provisions of this chapter, the city shall, following written notice to the employer, initiate enforcement action(s) against the employer which may include, but not be limited to:

A. Withholding the issuance of a building permit or certificate of use and occupancy.

B. Issuance of a stop work order. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of the chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during which any violation of any of the provisions of this chapter is committed, continued or permitted by such person and shall be punishable therefor as provided for in this chapter. (Ord. 450 § 1 (part), 1993)

10.10.130 Exemption.

Notwithstanding any other provisions of this code, the following uses and activities shall be specifically exempt from the provisions of this chapter:

A. Development projects expected to employ fewer than the employee threshold number.

B. Temporary construction activities on any affected project, including activities performed by engineers, architects, contract subcontractors and construction workers.

C. Other temporary activities as defined in the city code or as authorized by the city, when such temporary activities shall cease at the end of a stated time period.

D. Employers that can show that the implementation of the various transportation demand management strategies will not achieve the goals of transportation demand management, air quality and congestion management. (Ord. 450 § 1 (part), 1993)

10.10.140 Applicability to employers participating in a transportation management association (TMA).

The requirements of this chapter do not apply individually to members of a local transportation management association if the association is in compliance with all sections of this chapter on behalf of its members. Should an employer no longer participate in a transportation management association, this chapter shall be applicable to his/her development immediately. As a result, the affected employer must comply with all sections of this chapter. (Ord. 450 § 1 (part), 1993)

Chapter 10.12

TRAINS

Sections:

10.12.010 Speed limits.
10.12.020 Blocking intersections.

10.12.010 Speed limits.

It is unlawful for any railroad company or corporation, agent or employee of any railroad company or corporation in charge of or operating any engine, locomotive, train, electric car or coach or railroad car or coach over or across those certain streets within the city designated as Lewis, Honolulu, Hermosa and Tulare Avenues to operate the train at a greater speed than twenty miles per hour over such streets, between the hours of five a.m. and eleven p.m., or to operate them at a greater speed than thirty miles per hour over the street between the hours of eleven p.m. and five a.m. (Prior code § 15-22)

10.12.020 Blocking intersections.

It is unlawful for any railroad company or corporation, agent or employee of any railroad company or corporation in charge of or operating any engine, locomotive, train, electric car or coach, or railroad car or coach, to permit the train to remain over or across any public street or road crossing within the city so as to block the traffic at the crossings and prevent free passage over the crossings along any public street or road within the city for a longer period than ten minutes without clearing the crossing to permit all vehicles standing at the crossing to pass over and across it. (Prior code § 18-1)

Title 11

(RESERVED)