

## **ORDINANCE NO. 25-260**

### **AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT AMENDING DISTRICT CODE TITLE 4, CHAPTER 1, SECTION 4-1-4-2 THROUGH 4-1-15 TO MODIFY THE GENERAL TRAFFIC PROVISIONS TO ENFORCE SAFETY ON DISTRICT ROADS**

The Board of Directors for the Bear Valley Community Services District does ordain as follows:

#### **SECTION 1. Findings.** The Board of Directors finds as follows:

- A. California Government Code 61105(g) authorizes the District to have private roads by ordinance adopting those roads as such. California Vehicle Code section 21107.7(c) defines privately owned and maintained roads to be roads owned and maintained by a city, county, or district that are not dedicated to use by the public or are not generally held open for use of the public for purposes of vehicular travel.
- B. California Government Code 61105(f) authorizes the District to adopt by ordinance regulations that limit access to and use of District roads to landowners and residents of the District. The District adopted Ordinance 09-230 on January 8, 2009, which set forth regulations limiting access to and use of District roads.
- C. California Vehicle Code 21107.7(a) provides that a city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained roads that are not generally held open for use by the public for vehicular travel but, by reason of their proximity to or connection with highways, the interests of any residents residing along the roads and the motoring public will best be served by application of the provisions of this code to those roads.
- D. Furthermore, California Vehicle Code 21107.7(a) states that no ordinance or resolution shall be enacted unless there is first filed with the city or county a petition requesting it by a majority of the owners of any privately owned and maintained road, or by at least a majority of the board of directors of a common interest development, as defined by Section 4100 or 6534 of the Civil Code, that it is responsible for maintaining the road.
- E. California Vehicle Code 21107.7(b) provides that the California Highway Patrol and/or the Bear Valley Springs Police Department shall not be required to provide patrol or enforce any provisions of the California Vehicle Code on any privately owned and maintained road other by action as described in C. above.
- F. On June 6, 2006, the Board of Directors of Bear Valley Community Services District adopted Resolution 06-1205 declaring that the operation of the entrance gate maintains public safety by restricting road access to landowners, residents and

authorized visitors and, thereby, reenforcing that District roads as privately owned and maintained as defined by California Vehicle Code section 21107.7(c).

**SECTION 2.** Title 4 (Motor Vehicles and Traffic), Chapter 1 (General Traffic Provisions), Sections 4-1-4-2 (Special Permits) through 4-1-15 (Violations; Penalties) of the Bear Valley Community Services District Code is amended as follows:

#### **4-1-4-2 SPECIAL PERMITS**

##### **C. Descriptions and Conditions of Gate Permits Issued:**

##### **3. Gate Permits For Members Of Local Nonprofit Corporations/ Associations:**

- d. Due to various Religious Freedom laws, individuals who request entrance to attend services or activities at the Bear Valley Church are allowed entrance without prior approval or submission by the Church for a gate pass. Church attendees are required to check in with the gatehouse and state their purpose for entering Bear Valley Springs.
- e. Bear Valley Cemetery: The District wishes to provide reasonable access for visitation by relatives and friends of the deceased. Visitors to the Cemetery are required to check in with the gatehouse and state their purpose for entering Bear Valley Springs.

##### **6. Permits for Business Invitees:**

- c. Bear Valley Market and Gas Station: The District does not wish to prevent legitimate business activity by restricting access to members of the public wanting to shop at the market or refuel at the gas station. Customers of these establishments are required to check in with the gatehouse and state their purpose for entering Bear Valley Springs.

##### **8. Attendees of District Board or Committee Meetings** Persons wanting to attend District board or committee meetings will be issued guest gate permit for the duration of the meeting.

#### **4-1-7 TRAFFIC ADMINISTRATION AND ENFORCEMENT**

The District deems that reckless or unsafe driving, speeding, and parking in prohibited areas are considered a public nuisance and will enforce related rules and regulations accordingly.

##### **A. Police Department; Powers and Duties: The police department shall:**

1. Enforce the traffic and road regulations of the district and state vehicle laws applicable to road traffic in the district and enforce safe driving on district roads.
2. ~~Make arrests for traffic violations.~~ Issue citations for traffic and public nuisance, as defined in this Title, violations.
3. Investigate traffic accidents.
4. Cooperate with the general manager and other officers of the district in the administration of the traffic laws and in developing ways and means to improve traffic conditions.
5. Carry out those duties specifically imposed by the provisions of this section.

~~D. Compliance with the State Vehicle Code: No person shall violate any provision of the California Vehicle Code while utilizing district roads. All persons driving on District roads must have a driver's license from a government issue and have appropriate insurance.~~

~~F. Signs Required: No provisions of the California 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. (Ord. 09-230, 1-8-2009)~~

#### 4-1-8: **TRAFFIC CONTROL**

##### A. Authority to Install Traffic Signals:

~~2. Vehicle Code Authorization: Whenever the California Vehicle Code requires, for the effectiveness of any provisions thereof, that traffic control devices be installed to give notice to the public of the application of such laws, the general manager is hereby authorized to install, or cause to be stalled, the necessary devices, subject to any limitations or restrictions set forth in the laws applicable thereto.~~

4. Stop Signs: Whenever any ordinance or resolution of the district 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, the general manager or their authorized representative shall erect and maintain stop signs on each and every street intersecting such through street, or portion thereof, so designated, at those entrances to other intersections where a stop is required; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection where such entrance is controlled by an official traffic control signal. ~~Every such sign shall conform with, and shall be placed as provided in the California Vehicle Code.~~

5. Crosswalks and Equestrian Crossings: Drivers must reduce their speeds or stop, if necessary, to yield to pedestrians and equestrians within marked and unmarked (at intersections) crosswalks and equestrian crossings. Pedestrians and equestrians have the right-of-way in crosswalks and equestrian crossings but should exercise caution and avoid suddenly entering the path of oncoming traffic.
6. School Bus Stops: Drivers in both directions of traffic are required to stop when a school bus extends its stop sign and activates its flashing red lights (CVC 22454). Drivers may resume driving when the school bus retracts its sign and the lights stop flashing, or when the bus begins moving again.

#### 4-1-9: SPEED LIMITS

- A. Roadways: All roadways in Bear Valley are subject to the provisions set forth in ~~the California Vehicle Code~~ this section. Speed limits are ~~determined by an engineered traffic survey~~ adopted by resolution of the board of directors and kept on file with the district secretary.
- C. Residential District: All Bear Valley owned roads are designated as in a residential district zone. The speed limit, unless otherwise posted, is 25 MPH. Drivers should not rely on map applications to determine speed limits. Exceeding the maximum speed limit or not observing posted traffic signs including stop signs will be considered a violation of district code.
- D. Enforcement:
  1. Detection and enforcement of speeding violations by property owners, guests, tenants, and vendors traveling District roads will be made utilizing any combination of:
    - Posted Speed Limit signs
    - RADAR speed minder units to measure speed
    - Patrol officers with RADAR devices.
  2. RADAR speed minder units may be randomly moved throughout the District.

#### 4-1-10 PARKING

- A. General
  2. Limited Parking: 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 California Vehicle Code~~ or

the laws of the district prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

- C. No Parking Zones: 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 the road between projected property lines of any public walk, public steps, road, or thoroughfare terminating at such road when such area is indicated by appropriate signs or by red paint upon the curb surface.
  3. In any area where the general manager determines that the parking or stopping of a vehicle would constitute a traffic hazard or 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 published as a "no parking" area when such area is indicated by appropriate signs or by red paint upon the curb surface.
  5. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property.
  6. On any street where the use of such street is necessary for cleaning, repair, or construction of the street or the installation of underground utilities, or where the use of the road, or portion thereof, is authorized for a purpose other than the normal flow of traffic, or where the use of the road, or 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 uses or movement; provided, however, signs giving notice of such no parking shall be erected or placed at least 24 hours prior to the effective time of such no parking.
  7. At any place within 20 feet of a point on the curb immediately opposite the mid-block end of a safety zone when such place is indicated by appropriate signs or by red paint upon the curb surface except that a bus may stop at a designated bus stop.
  8. Within 15 feet of a fire hydrant.
  9. Parking spaces identified as Handicap or ADA accessible without placard issued by the state of California or other government agency.

10. During the existence of snow conditions, vehicles shall not be left stopped, parked, standing, or otherwise unattended on any district road or street right-of-way that in any way hinders snow removal. This does not prohibit the stopping of passenger vehicles for periods of time sufficient to load or discharge passengers from such vehicles.

G. Penalty: Any violation of any regulation governing the standing or parking of a vehicle under ~~the California Vehicle Code, under any federal statute or regulation, or under~~ any district ordinance is subject to a civil penalty. The enforcement of those civil penalties shall be governed by the civil administrative procedures as set forth in ~~section 22500 et. Seq.; of the California Vehicle Code~~ this code. The schedule of parking penalties for parking violations, late payment penalties, administrative fees, and other related charges for parking violations shall be established by resolution duly adopted by the district board of directors. (~~Ord. 09-230, 1-8-2009~~)

H. The BVPD has the authority to tow vehicles that violate this section.

#### 4-1-11: RESTRICTIONS ON USE OF ROADS:

##### A. Restrictions On Certain Modes of Transportation :

1. No person shall operate a sled, skateboard, unregistered motor vehicle or unregistered motorcycle, golf cart, or ATV on district roads.
3. No person shall ride or lead domestic animals (excluding horses and dogs ~~in compliance with California Vehicle Code~~) on district roads except in designated areas. (~~Ord. 09-230, 1-8-2009~~)
3. Low-speed vehicles (LSV) may be operated on district roads that are designated as 35 mph or slower. LSVs are defined as:
  - 4-wheeled vehicle
  - top speed of 25 mph
  - vehicle weight of less than 3,000 lbs.
  - adhere to National Highway Traffic and Safety Association (NHTSA) performance and safety standards for LSVs
  - registered with the California, or other state, Department Motor Vehicles

4-1-14: RECKLESS DRIVING: No person shall drive any vehicle on district roads or property, ~~or roads covered by the California Vehicle Code~~, in a willful or wanton disregard for the safety of persons, property, or wildlife. (~~Ord. 09-230, 1-8-2009~~)  
Persons driving on district roads must adhere to standard safety protocol for driving

vehicles, such as wearing seat belts, use of bicycle and motorcycle helmets, refrain from using handheld phones and electronic devices, etc.

#### 4-1-15: VIOLATIONS; PENALTIES

- A. Misdemeanor: Unless otherwise provided, violation of this chapter shall be a misdemeanor.
- B. Penalty for Misdemeanor: Any person convicted of a misdemeanor under provisions of this chapter shall be punished according to section 1-4-1 of this code.
- ~~C. Vehicle Code Violation; Penalty: Notwithstanding the foregoing, any person convicted of violation of the Vehicle Code of the state of California shall be punishable pursuant to Vehicle Code. (Ord. 09-230, 1-8-2009)~~
- C. Violations and Penalties: Citations for parking, speed, stop sign, or unsafe driving violations will be issued to the driver of the vehicle. The schedule of penalties for violations, late payment penalties, administrative fees, and other related charges for violations in this chapter shall be established by resolution duly adopted by the district board of directors.
  - 1. A WARNING or CITATION will be issued according to the following procedure:
    - To determine if a speed violation has occurred, police officers will utilize RADAR or other means of measurement to identify vehicular speed and those that exceed speeds greater than the posted speed limit will be asked to pull over.
    - A WARNING will be issued for a First violation if the identified vehicular speed is less than 10 miles above the maximum speed limit for the area or if it is the First violation of a no parking infraction, stop sign violation, or other unsafe driving infraction. A CITATION will be issued for a second violation or any violation where the identified speed is 10 or more miles above the maximum speed limit for the area.
    - The CITATION shall provide the option of immediately paying the stated fine or requesting an appeal hearing. To request a hearing, the person issued the citation inform the District's General Manager in writing within 10 days of receiving the citation. The General Manager, or designee, will send the requesting individual a Notice of Hearing. The Notice of Hearing shall specify the date, time and location of the hearing, the specific violation alleged, the fine that may be imposed,

and that the hearing shall be held even if the individual does not attend.

- The purpose of the hearing is to give the District's General Manager the opportunity to take into consideration any evidence presented in relation to the alleged violation and then render a determination, which may include the imposition of a fine, as adopted by the Board of Directors. A Notice of Results of Hearing shall be sent within seven days of the hearing.
- Any fines are due to the District office by mail within 30 days of the date of the Notice of Results of Hearing. If not paid by that date, an overdue notice will be sent by mail and email, requesting payment within 15 days. **If not paid within 45 days of the date from the Notice of Results of Hearing, the RFID transponder for gate entrance will be deactivated, if one has been issued, and the outstanding fine will be sent to a collections agency.**
- All Vendors shall be subject to the same Schedule of Fines as property owners, guests, and tenants. A WARNING will be sent for the first violations. A CITATION shall be sent for any second and subsequent violation, noting the fine amount that must be paid within 30 days of the date of the CITATION **if not paid within 30 days of the date of the CITATION, access to the community will be denied and RFID transponder for gate entrance will be deactivated.**
- Once a transponder has been deactivated, it may only be reactivated upon payment of the fine. Once payment has been made, it may take up to 10 days to reactivate the transponder.

All other sections of Title 4 (Motor Vehicles and Traffic) shall remain in force.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 4. Environmental Quality Act.** This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and is not a project which has the potential for causing a significant effect on the environment. The approval of the code amendments in the proposed ordinance does not approve any physical development and it would not result in a direct or indirect physical change in the environment. Any specific development projects that may result from these changes will be subject to environmental review. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the



environment and these District code amendments are exempt from review under CEQA and no further environmental review is necessary.

**SECTION 5. Effective Date.** The Secretary of the Board of Directors is directed to cause this ordinance to be published in the manner required by law. This Ordinance shall take effect and be enforced 30 days after its adoption.

**PASSED AND ADOPTED** by the Board of Directors of the Bear Valley Community Services District on the \_\_\_\_ day of September 2025, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Geva Frevert, Board President

ATTEST:

BY: \_\_\_\_\_  
Denise Jelleschitz, Secretary of the Board of Directors

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Palmer Hilton, District Counsel