



PRIVATE PROPERTY VEHICLE STORAGE / ENFORCEMENT GUIDELINES

In accordance with:
21107.7 CVC
22658(a) CVC

PURPOSE: California law gives the owners of private property the right of restricting public parking and the local police authority to store vehicles and enforce the provisions of the *California Vehicle Code* if proper signs are posted. In order to have uniformity throughout the City of Lake Forest, and to encourage voluntary compliance, the following guidelines are set forth.

PROPERTY OWNER'S RESPONSIBILITIES:

I. 21107.7 CVC

A. Any city may, by ordinance or resolution, find and declare that there are privately owned and maintained roads within the city that by reason of their proximity to or connection with highways, the interests of any residents residing along such road and the motoring public will be served by application of provisions of the *California Vehicle Code* to such roads.

B. Pursuant to Section 21107.7 CVC, the below procedure must be followed:

1. A petition signed by a majority of the owners of any such privately owned and maintained road **or** by at least a majority of the board of directors of a common interest development must be filed with the City Clerk.

You should include with your board petition either a legal description of those streets addressed in your request or a description of those streets which defines their boundaries. *Please refer to the attached instructions for petition.*

In addition to the above, the board of directors of a common interest development must provide the City of Lake Forest – City Clerk's Office with completed address labels for all property owners affected by this request.

2. A public hearing will be scheduled before the City Council. Following the hearing, the Council may adopt a resolution designating that the provisions of the California Vehicle Code shall be applied to the private streets in question.

A notice of public hearing will be published 10 days prior to the public hearing.

II. Public Safety and Traffic Engineering/Circulation Guidelines for California Vehicle Code (CVC) Enforcement in Private Residential Communities:

[Note: HOA refers to either the Homeowners Association, related Property Management Company, or their representative serving as applicant]

Prior to submitting a petition for CVC enforcement, the HOA must meet with Public Works – Traffic and Orange County Sheriff's Department staff to address the below listed issues.

For consideration of CVC enforcement, one or more of the three different types of enforcement issues should be identified by the HOA:

- traffic control signs,
- speeding, and
- parking.

For each of these issues, the HOA shall employ the services of a traffic engineering consultant for the preparation of a report, which should address the following:

- A. *Traffic Control Signs*. Document the appropriateness (i.e., location and justification) of existing STOP or YIELD signs, and the need for additional STOP or YIELD signs, based on:
 1. Primary vehicular flow patterns within the complex;
 2. Primary pedestrian flow across the drive aisles (e.g., to and from clubhouse, pools, tennis courts, etc.);
 3. Sight distance at key conflict areas; and
 4. Conformance with all applicable sections of the latest *California Manual on Uniform Traffic Control Devices (CA MUTCD)*.
- B. *Speeding*. Identify the locations within the subject community where speeding is perceived to be problematic. A map of the private community should be provided, with locations of all speed control devices (e.g., speed bumps, signs, etc.). It is important to note that the *California Vehicle Code* sets forth specific guidelines for determining enforceable speeds on streets. Thus, the HOA shall identify and summarize the process for determining *prima facie* and/or posted speeds within the subject area.
- C. *Parking*. Provide a comparison between parking supply and demand, including:
 1. Number of parking spaces provided versus the number required, if applicable, with supporting maps from entitlement process;
 2. Survey data documenting peak parking demand; and
 3. A map of the area showing where parking overflow becomes an issue, either within the private community, or on City streets.

Once completed, the report shall be presented to the City of Lake Forest Public Works – Traffic division for review. Upon receipt of the report, the Traffic Engineering Manager shall review and make recommendations that will be included along with the petition that is filed by the HOA and the City Clerk.

Upon enactment of the ordinance or resolution, the provisions of this code shall apply to the privately owned and maintained road when appropriate signs are erected at the entrance(s) to the road and the implementation of the recommendations made from the report have been completed. Entrance signs shall adhere to the size, shape, color, and

reflectivity as to be readily legible from a distance of 100 feet, to the effect that the road is subject to the provisions of this code.

If the HOA received City Council approval, ALL appropriate provisions of the California Vehicle Code will be enforced.

III. 22658(a) CVC

A. When a property owner cannot locate the driver of a vehicle which is illegally parked on his/her own property, he/she may have the vehicle removed by a private tow company provided the property owner is in compliance with the conditions set forth in the *California Vehicle Code* (CVC) section 22658(a). These provisions include, but are not limited to, the following:

1. There is displayed, in plain view at all entrances to the property, a sign not less than 17 by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that the vehicle(s) will be removed at the owner's expense, and containing the telephone number of the Orange County Sheriff's Department (OCSD) (949-770-6011). **Additionally required on or below the sign is the name and phone number of the tow company you use (have written or verbal agreement with) who has a tow yard within a reasonable distance of the property from which the vehicle is being towed.**
2. The vehicle has been issued a notice of parking violation and 96 hours have elapsed since the issuance of that notice.
3. The vehicle is inoperable, lacking an engine, transmission, wheels, tires, etc., the owner has notified the Orange County Sheriff's Department, and 24 hours have elapsed since that notification.

[NOTE: The California Vehicle Code has many provisions requiring certain postings and notification by property owners or their agents, depending on the circumstances surrounding the removal of the vehicle. The property owner should first refer to the law contained therein (i.e., unabridged text) before removing vehicles from private property. A current text of the section is available at www.dmv.ca.gov.

The following pages are to be utilized as a resource for the needs of the property in question. They include examples of a petition and signage

For additional information or assistance, contact the Public Works – Traffic Division at (949) 461-3485.



DIMENSIONS (INCHES)				
A	B	C	D	E
24	20	3	1 1/4	1

COLORS
LEGEND & BORDER = BLACK
BACKGROUND = WHITE (HIGH INTENSITY PRISMATIC REFLECTIVE GRADE)

PRIVATE PROPERTY IMPOUND SIGN





Tran Tran, RCE 79710
Traffic Engineering Manager

_____ Date

**PETITION OF _____
HOMEOWNER'S ASSOCIATION REQUESTING CITY
ENFORCEMENT OF PRIVATE STREETS**

THIS PETITION OF _____
HOMEOWNER'S ASSOCIATION REQUESTING CITY ENFORCEMENT OF
PRIVATE STREETS ("Petition") is dated this _____ day of
_____, 2021.

WHEREAS, the _____ Homeowner's Association ("Association") desires to submit this Petition in order to request that the City of Lake Forest, a municipal coordination ("City"), by ordinance or resolution, find and declare that the privately owned and maintained roads within the City and the interests of the residents residing along the roads and the motoring public, by reason of their proximity to or connection with highways, will best be served by application of the California Vehicle Code (C.V.C.) § 21107.7 to those roads.

NOW, THEREFORE, BE IT RESOLVED that this Petition was regularly introduced and adopted by the Board at a duly notified regular meeting held on the _____ day of _____, 2021.

RESOLVED FURTHER, that the decision to file this Petition with the City was made by a majority of the owners of the Association, or by at least a majority of the Board.

RESOLVED FURTHER, that in accordance with C.V.C. § 21107.7 the Association gave the owners of the road or all owners in the Association development ten (10) days' prior written notice of the decision to file this Petition with the City;

RESOLVED FURTHER, that the Association acknowledges and understand that pursuant to C.V.C. § 21107.7, the City may impose reasonable conditions and may authorize the Association to erect traffic signs, signals, markings, and devices which conform to the uniform standards and specifications adopted by the Department of Transportation and/or City regulations governing the same.

RESOLVED FURTHER, that the foregoing named persons are the officers of the Association, duly elected or appointed, qualified and acting as such, and that the signatures set opposite their names are their genuine signatures and may be accepted as such by City.

RESOLVED FURTHER, that this Petition is signed by all the members of the Board that are in support of the Petition and that the undersigned collectively constitute a majority of the Board.

[Type Name]
President of the Board

[Type Name]
Vice President of the Board

[Type Name]
Secretary of the Board

Other Members of the Board in support of this Petition:

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

Member of the Board

