

AMENDED

**ORDINANCE NO. 248
OF THE TAHOE CITY PUBLIC UTILITY DISTRICT
ESTABLISHING RULES AND REGULATIONS
FOR THE STORAGE OF SNOW AND REMOVAL OF STORED SNOW
FROM DISTRICT'S BICYCLE, PEDESTRIAN AND RECREATIONAL TRAILS
SYSTEM**

This Ordinance is adopted on this 21st day of November 2003, by the Board of Directors of the Tahoe City Public Utility District and shall remain in full force and effect until rescinded, amended, reissued or otherwise readopted.

Be it enacted by the Board of Directors of the Tahoe City Public Utility District (hereinafter "District") that the Board does hereby establish and adopt the following rules, regulations and procedures governing storage of snow upon the District's Trails System Areas and the removal of the stored snow before the commencement of the recreational use period and the repair of damage arising therefrom.

SECTION 1

DISTRICT'S TRAILS SYSTEM AND ADJOINING PROPERTY

1.1 District's Trails System. The term "District's Trails System" shall refer to trails designated by District for use by pedestrians, bicyclists, or other recreational uses which may be located upon District-owned property or upon property leased, managed or made subject to an Encroachment Permit in favor of District including, without excluding other areas, Caltrans' owned areas or rights of way.

1.2 Trail System Area. The "Trail System Area" shall refer to the pavement area or unpaved trail surface and the shoulder areas of the trail surface.

1.3 Adjoining Property. The term "Adjoining Property" shall refer to the real property fronting upon the Trail System Area and lying perpendicular to or underlying the Trail System Area owned by private persons, corporations or other entities.

1.4 Recreational Use Period. The Recreational Use Period shall commence on April 30 at midnight of every year, or such earlier date as may be designated by the Board of Directors by resolution after February 1 of any year if in the Board of Directors' sole discretion an earlier recreational use period is appropriate.

SECTION 2

**USE OF DISTRICT'S TRAIL SYSTEM FOR SNOW STORAGE
AND CONDITIONS UPON USE**

2.1 The owners of Adjoining Property shall have the right during snow removal processes to remove snow from their driveways, access ways or parking areas which cross District's Trails System or Trail System Area and proceed into the Adjoining Property and to store that removed snow upon and over District's Trails System and Trail System Area during the period prior to the commencement of the Recreational Use Period. The exercise of this right to store snow shall be subject to the conditions and obligations of this Ordinance as follows: (i) Snow storage shall be done in such a fashion that the District's Trail System surface and shoulders of the District's Trails System or Trail System Area are not damaged, rutted, gouged or cracked. (ii) Snow storage may occur only during the period of November 1 through the beginning of the Recreational Use Period. (iii) **The District Board of Directors may by resolution determine that**

all or a portion of the District's Trails System and Trail System Area may not be used for the storage of snow from Adjoining Property. (iv) On or before the commencement of the Recreational Use Period established by the District Board of Directors by Resolution, or on April 30 if no resolution is adopted specifying an earlier date, the Adjoining Property Owner providing for storage of snow upon the District's Trails System or Trail System Area shall cause and bear the cost of the removal of the stored snow and its disposal upon the Adjoining Property or another location available to the Adjoining Property Owner in such a fashion that the District's Trail System can be opened. If any rutting, gouging, cracking or other damage to the District's Trails System or Trail System Area shall have occurred because of or as a result of the operation of snow handling equipment upon the Trail System Area, the Adjoining Property Owner shall be responsible as a term and condition of utilization of District's interest in the Trail System Area for snow storage, to repair such damage or to pay the repair costs of District as directed by District. The Adjoining Property Owner shall provide for the removal of all debris from the District Trail Area immediately after removal of all stored snow.

2.2 Notification of Damage. Upon notification by District that damage has been caused by the process of snow storage or snow removal to the District's Trails System or Trail System Area, District shall provide an estimate of the cost of District's repair or direct that repair shall occur at the cost of the Adjoining Property Owner and the amount quoted by District shall be paid within thirty (30) days by the Adjoining Property Owner. If District elects to have the Adjoining Property Owner repair the damage, the repair shall be done in accordance with the plans, specifications and directions of District within thirty (30) days of the written notice.

2.3 Failure to Abide by These Rules and Regulations. If the Adjoining Property Owner or its agents, employees, independent contractors or persons operating under the Adjoining Property Owner's direction or permission shall fail to abide by the terms and provisions of this Ordinance or any direction given by District pursuant to the terms of this Ordinance, District Staff is directed to revoke any right of the Adjoining Property Owner to store snow upon District's Trails System in future years and until further order of the Board. Upon written notice of revocation of the privilege of storing snow, the Adjoining Property Owner and its agents, employees and independent contractors shall not provide for storage or pushing of snow upon District's Trails System for the purpose of storage. Further, the Adjoining Property Owner shall remove from the District's Trails System or Trail System Area any stored snow and place the stored snow upon the Adjoining Property only and at least five feet (5') from any paved surface of the District's Trails System and off of the Trail System Area, leaving the Trail System Area in an open condition without piling of snow or compaction, and without visual obscurement due to banks or berms of snow and subject to the natural melting process as to any snow naturally deposited thereon.

2.4 Payment of Charges. If any charges due under the terms of this Ordinance are not paid by the Adjoining Property Owner, District's Treasurer is ordered to add such charges to the assessment of the District and the tax bills of the Counties of Placer and El Dorado annually in July. Any amounts owed to District hereunder shall bear interest at twelve percent (12%) per annum and shall be subject to a ten percent (10%) delinquency charge which shall not be credited against interest upon the charge upon becoming delinquent or District expending the monies necessary to remedy the default in the terms and provisions of this Ordinance.

2.5 Indemnification. As to any snow stored upon District's Trails System or Trail System Area pursuant to this Ordinance, the Adjoining Property Owner shall be deemed by availing himself of the privilege permitted hereunder to hold harmless, indemnify, defend and protect District, its employees, directors, officers and independent contractors (Indemnified Parties) from any and all claims, liabilities, costs or damages arising from or connected in whatsoever

manner to the storage of snow thereon. This duty shall include the payment of attorneys' fees, expert witness fees and costs incurred in defending the Indemnified Parties from such claims.

2.6 No person, entity or governmental entity shall push, store, create berms, pile or otherwise dispose of snow or ice upon the District's Trail System or Trail System Area except an Adjoining Property Owner under the terms of this Ordinance, and any persons doing so other than an Adjoining Property Owner must obtain an Encroachment Permit from the District.

2.7 Effective Date of this Ordinance. This Ordinance shall become effective thirty (30) days from the date of adoption and the Clerk of the District is authorized and directed to cause this Ordinance to be duly published and posted as required by law.

PASSED AND ADOPTED by the Board of Directors of the Tahoe City Public Utility District at a regular meeting thereof duly called and held within said District on the 16th day of September 2016 by the following roll call vote:

AYES: Henrikson, Wilkins, Pang, Friedman, Treabess

NOES: None

ABSTAIN: None

TAHOE CITY PUBLIC UTILITY DISTRICT

By:

Ron Treabess, President of the Board

ATTEST:

Terri Viehmann, District Clerk