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State of California

JOHN K. VAN DE KAMP  
Attorney General

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OPINION	:	No. 83-1106
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of	:	<u>APRIL 10, 1984</u>
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JOHN K. VAN DE KAMP	:	
Attorney General	:	
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RODNEY O. LILYQUIST	:	
Deputy Attorney General	:	
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THE HONORABLE WALTER STIERN, MEMBER OF THE CALIFORNIA SENATE, has requested an opinion on the following question:

May a county board of supervisors adopt ordinances authorizing the placement of stop signs and the establishment of speed zones on roads owned and maintained by a community services district?

CONCLUSION

A county board of supervisors may not adopt ordinances authorizing the placement of stop signs and the establishment of speed zones on roads owned and maintained by a community services district.

## ANALYSIS

Under the Community Services District Law (Gov. Code, §§ 61000-61936), a district may be formed for the purpose of street construction and maintenance. Public Contracts Code section 20681 states in part:

"A district formed under this law may exercise the powers hereinafter granted for such of the following purposes as have been designated in the petition for formation of such district and for such others of the following purposes as the district shall adopt as hereinafter provided:

".....

"(j) The opening, widening, extending, straightening, surfacing, and maintaining, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made.

"(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.

"....."

The question presented for analysis concerns roads built, owned and maintained by a community services district in an unincorporated area of a county.<sup>1</sup> May a county board of supervisors adopt ordinances establishing speed zones and stop signs on such roads? We conclude that it may not; rather, it is the district that has the authority to adopt the ordinances.

The key statutes requiring interpretation are Vehicle Code sections 21100 and 21104.<sup>2</sup> Section 21100 states in part:

"Local authorities may adopt rules and regulations by ordinance or resolution regarding the following matters:

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<sup>1</sup> These roads are not in the county highway system. (See Sts. & Hy. Code, § 941; 61 Ops.Cal.Atty.Gen. 466, 468-469 (1978).)

<sup>2</sup> All unidentified section references hereafter are to the Vehicle Code.

"....."

"(d) Regulating traffic by means of official traffic control devices meeting the requirements of Section 21400.

"....."

Section 21104 provides:

*"No ordinance or resolution proposed to be enacted under Section 21101 or subdivision (d) of Section 21100 is effective as to any highway not under the exclusive jurisdiction of the local authority enacting the same, except that an ordinance or resolution which is submitted to the Department of Transportation by a local legislative body in complete draft form for approval prior to the enactment thereof is effective as to any state highway or part thereof specified in the written approval of the department. . ."* (Emphases added.)

Stop signs and speed restriction signs are "official traffic control devices" within the meaning of section 21104, subdivision (d). (See *Rumford v. City of Berkeley* (1982) 31 Cal.3d 545, 555-557.) Section 440 states: "An 'official traffic control device' is any sign, signal, marking, or device, consistent with Section 21400, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic." Section 21400 provides in part:

*"The Department of Transportation shall, after consultation with local agencies and public hearings, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to the provisions of this code, including, but not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs placed pursuant to Section 21364."* (Emphases added.)

Several statutes expressly authorize the placement of stop signs by local authorities within their respective jurisdictions. (See §§ 21351-21355.)

Other statutes deal specifically with the establishment of speed zones by local authorities. In California the national maximum speed limit of 55 miles per hour is set forth in subdivision (a) of section 22348. "Prima facie" speed limits are contained in section 22352, and irrespective of these statutory speed limits, the "basic" speed law is stated in section 22350. Local authorities have been expressly empowered to adopt their own speed

limit ordinances under certain conditions. (See §§ 22357-22360; 35 Ops.Cal.Atty.Gen. 29, 29-31 (1960).) The location of the speed limit signs are governed by sections 21357-21359.

Placing these statutes in some perspective, we note that a county is constitutionally empowered to adopt local ordinances "not in conflict with general laws." (Cal. Const., art. XI, § 7.) The "general law" relevant here is section 21, which states:

"Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein."

This delegation of authority to adopt local vehicular traffic ordinances is to be strictly construed. (See *City of Lafayette v. County of Contra Costa* (1979) 91 Cal.App.3d 749, 756, fn. 3; *People v. Moore* (1964) 229 Cal.App.2d 221, 228.)

Several principles of construction are applicable to the interpretation of these statutory provisions. The primary rule is to "ascertain the legislative intent so as to effectuate the purpose of the law." (*Moore v. Panish* (1982) 32 Cal.3d 535, 541.) In ascertaining legislative intent, we "must turn to the language of the statute itself" (*Valley Circle Estates v. VTN Consolidated, Inc.* (1983) 33 Cal.3d 604, 609), giving the words their ordinary and usual meanings (*California Teachers Assn. v. San Diego Community College Dist.* (1981) 28 Cal.3d 692, 698). Every statute should be construed with reference to the whole system of law of which it is a part. (*California Mfgs. Assn. v. Public Utilities Com.* (1979) 24 Cal.3d 836, 844.) "It is fundamental that legislation should be construed so as to harmonize its various elements without doing violence to its language or spirit." (*Wells v. Marina City Properties, Inc.* (1981) 29 Cal.3d 781, 788.) "Whenever reasonable, interpretations which produce internal harmony, avoid redundancy, and accord significance to every word and phrase are preferred." (*Pacific Legal Foundation v. Unemployment Ins. Appeals Bd.* (1981) 29 Cal.3d 101, 114.)

For purposes of the Vehicle Code, "local authority" is defined as "the legislative body of every county or municipality having authority to adopt local police regulations." (§ 385.)

We believe that a community services district that owns and maintains a road system meets this definition of a "local authority." The Legislature has expressly given to such a district the authority to adopt local police regulations:

"Except as otherwise provided in this section, *a district may by ordinance adopt regulations binding upon all persons to govern the construction and use of its facilities and property*, including regulations imposing reasonable charges for the use thereof. *Violation of any such regulation relating to the construction and use of sanitation facilities or of roads is a misdemeanor.*" (Gov. Code, § 61621.5, subd. (a); emphases added.)

An ordinance enacted under Government Code section 61621.5 would commonly be considered a "local police regulation." (See *City of Lafayette v. County of Contra Costa* (1979) 91 Cal.App.3d 749, 754-755.)

The issue is then reduced to whether such a district may constitute a "county or municipality" for purposes of section 385. Generally speaking, a "municipality" includes "any public corporation exercising governmental powers." (*Curphey v. Superior Court* (1959) 169 Cal.App.2d 261, 267.) "[T]he term 'municipal' as commonly used, is appropriately applied to all corporations exercising governmental functions." (*Siler v. Industrial Acc. Com.* (1957) 150 Cal.App.2d 157, 162.) "Whenever it appears that the legislature so intended, the terms 'municipality' and 'municipal corporation' will be construed to include a county or other quasi-municipal corporation." (*Gadd v. McQuire* (1924) 69 Cal.App. 347 368.)

In 27 Ops.Cal.Atty.Gen. 261, 262 (1956), we noted that community services districts "possess many of the rights, and perform many of the functions, normally regarded as municipal in nature." A district may contract with the county to have its roads patrolled and ordinances enforced by the sheriff. (See 38 Ops.Cal.Atty.Gen. 49, *supra*, 51-52.) Alternatively, it may employ its own police force if police protection is one of the purposes for which the district is formed. (27 Ops.Cal.Atty.Gen. 261, *supra*, 261-263.)

Accordingly, we believe that a community services district is the "local authority" that has "exclusive jurisdiction" under section 21104 over roads which it owns and maintains. The Legislature has expressly given to such a district the authority to enact ordinances governing the use of its roads. The district may have the ordinances enforced by various means. It is appropriate that the local public entity responsible for maintenance of particular roads should have a measure of control over their use.

If the county were also authorized to enact the ordinances in question, confusion and lack of uniformity could result. In interpreting these statutes, we must avoid such consequences if possible. (See *Gillespie v. City of Los Angeles* (1950) 36 Cal.2d 553, 559.)

In answer to the question presented, therefore, we conclude that a county board of supervisors may not adopt ordinances authorizing the placement of stop signs and the establishment of speed zones on roads owned and maintained by a community services district.

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