

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 12.28 OF THE MONTEREY COUNTY CODE TO ESTABLISH A NO PARKING \$250 FINE AND TOW AWAY ZONE ALONG A PORTION OF SCENIC DRIVE IN THE UNINCORPORATED AREA AND AUTHORIZING THE COUNTY ADMINISTRATIVE OFFICER TO CONTRACT WITH THE CITY OF CARMEL-BY-THE-SEA FOR ENFORCEMENT OF THE NO PARKING ZONE.

County Counsel Summary

This ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety of the County of Monterey due to persons parking vehicles in an unsafe manner in an established No Parking Zone along Scenic Drive, from Santa Lucia Avenue generally south to Carmelo Avenue in the unincorporated area near Carmel-by-the-Sea, creating a danger to pedestrians and the motoring public. This ordinance would create a no parking tow away zone along this portion of Scenic Drive and establish a \$250 fine for violation of the parking restriction. The ordinance also authorizes the County Administrative Officer to contract with the City of Carmel-by-the-Sea for enforcement of this No Parking Tow Away Zone in order to address the situation along Scenic Road.

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents; and,

WHEREAS, California Vehicle Code section 22507 authorizes the County of Monterey to enact regulations by ordinance to prohibit or restrict parking of vehicles on certain streets and highways; and,

WHEREAS, the County previously adopted a No Parking Zone along Scenic Drive in the unincorporated area near Carmel-by-the-Sea, from Santa Lucia Avenue generally south to Carmelo Avenue; and,

WHEREAS, residents of the area have reported that vehicles park and block travel lanes and driveways, block sight distance that cause unsafe turning movements, pose access constraints for emergency vehicles, and endanger pedestrian and bicycle traffic along portions of Scenic Drive in the Carmel Point neighborhood; and,

WHEREAS, the waning of the COVID-19 pandemic has allowed more visitors to visit the Carmel Point neighborhood, exacerbating the conditions described above, and creating the need to adopt this urgency ordinance; and,

WHEREAS, the County has insufficient resources to patrol and cite motorists for parking violations in the area, and the current level of fine for illegal parking along Scenic Drive (\$28)

and the lack of tow away authority does not create the necessary deterrent effect to relieve the serious conditions created by such illegal parking; and,

WHEREAS, the City of Carmel-by-the-Sea has offered to reach agreement with the County whereby the City's police department will patrol and issue citations for motorists violating the no parking regulations; and,

WHEREAS, the County Code currently does not explicitly authorize the County to contract with other public agencies for enforcement of "no parking" regulations in the unincorporated area; and,

WHEREAS, urgency action is needed to authorize the Police Department of the City of Carmel-by-the-Sea to enforce the No Parking Zone along Scenic Drive, to provide that the No Parking zone is subject to tow away authority, and to raise the fine for such illegal parking to \$250 because unsafe parking is creating an immediate danger to pedestrians, bicyclists, and the motoring public; and,

WHEREAS, it is therefore necessary and appropriate for the immediate protection of the public peace, health, safety and welfare of the County to take the actions described above; NOW THEREFORE,

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. PURPOSE AND FINDINGS.

Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.

The Board of Supervisors of the County of Monterey hereby finds and declares that the recitals set forth above are true and correct.

SECTION 2. AMENDMENT OF SECTION 12.28.010 OF THE COUNTY CODE.

Section 12.28.010 of Chapter 12.28 of the Monterey County Code is amended to delete the following paragraph:

Scenic Drive, on both sides of Scenic Drive, in the unincorporated area near Carmel-by-the-Sea, from Santa Lucia Avenue generally south to Carmelo Avenue.

SECTION 3. AMENDMENT OF SECTION 12.28.011 OF THE COUNTY CODE.

Section 12.28.011 of Chapter 12.28 of the Monterey County Code is amended to add the following paragraph:

Scenic Drive, on both sides of Scenic Drive in the unincorporated area near Carmel-by-the-Sea, from Santa Lucia Avenue generally south to Carmelo Avenue.

SECTION 4. AUTHORITY TO CONTRACT WITH THE CITY OF CARMEL-BY-THE-SEA FOR ENFORCEMENT.

Notwithstanding Section 1.20.040 (D) of the Monterey County Code, the County Administrative Officer may contract with the City of Carmel-by-the-Sea for enforcement by the City's Police Department of violations of Section 12.28.011 on both sides of Scenic Drive in the unincorporated area near Carmel-by-the-Sea, from Santa Lucia Avenue generally south to Carmelo Avenue, including the authority to require a vehicle to be towed. Such contract may provide for the City to share in the revenue generated from fines in order to offset its costs for enforcement.

SECTION 5. AMENDMENT OF THE COUNTY PARKING VIOLATION PENALTY SCHEDULE.

The County's Parking Violation Penalty Schedule is hereby amended to establish a fine of two hundred fifty dollars (\$250) for violation of Section 12.28.011 of the Monterey County Code on both sides of Scenic Drive in the unincorporated area near Carmel-by-the-Sea, from Santa Lucia Avenue generally south to Carmelo Avenue.

SECTION 6. OTHER ACTIONS.

County staff are authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of his ordinance including the posting of appropriate signage in and around the described locations.

SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 8. EFFECTIVE DATE AND TERM.

This ordinance shall take effect immediately as an urgency ordinance based on the finding of the Board of Supervisors that this ordinance is adopted in compliance with Government Code Section 25123 and that it is necessary for the immediate protection of the public peace, health, and safety, and this ordinance shall remain in effect until it is terminated or superseded.

PASSED AND ADOPTED this ____ day of April 2021, by the following vote:

AYES:
NOES:
ABSENT:

Wendy Root Askew, Chair,
Monterey County Board of Supervisors

AT T E S T:

VALERIE RALPH
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

LESLIE J. GIRARD
County Counsel