

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, PROVIDING FOR NO PARKING ZONES ALONG ELM AVENUE AND ARROYO SECO ROAD IN THE UNINCORPORATED AREA

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 along certain portions of Elm Avenue and Arroyo Seco Road in the unincorporated area near the Elm Avenue Bridge crossing the Arroyo Seco River, creating a danger to pedestrians and the motoring public. This ordinance would create “no parking tow away” and “no parking \$250 fine” zones along portions of Elm Avenue and Arroyo Seco 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 citizens; 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, residents of the area have reported that vehicles park and block travel lanes, block sight distance that cause unsafe turning movements, and dump a significant amount of garbage in the area of Elm Avenue and Arroyo Seco Road near the Elm Avenue Bridge across the Arroyo Seco River; and,

WHEREAS, the County has received multiple requests from residents advocating the establishment of a No Parking Tow Away zone and a No Parking \$250 fine zone in some segments of Elm Avenue and Arroyo Seco Road in; and,

WHEREAS, it is necessary and appropriate for the immediate protection of the public peace, health, safety and welfare of the County to create “no parking tow away” and “no parking \$250 fine” zones along portions of Elm Avenue and Arroyo Seco Road in the area 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 citizens.

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

SECTION 2. ESTABLISHMENT OF NO PARKING TOW AWAY ZONE.

The following street locations are subject to the no parking and tow away restrictions and provisions of Section 12.28.011 of the Monterey County Code, as depicted on Exhibit A to the ordinance:

Elm Avenue, along both sides of Elm Avenue from Bridge No. 320 easterly for one thousand eight hundred (1,800) feet;

Elm Avenue, on both sides of the two road segments of Elm Avenue from Arroyo Seco Road to Bridge No. 320; and,

Arroyo Seco Road, on the south side of Arroyo Seco Road from the centerline of Leslie Lane, westerly for one thousand nine hundred and forty (1,940) feet.

SECTION 3. ESTABLISHMENT OF NO PARKING \$250 FINE ZONE

The following street locations are subject to the no parking restrictions and provisions, but not the tow away provisions, of Section 12.28.011 of the Monterey County Code, as depicted on Exhibit A to this ordinance, and, notwithstanding Section 12.04.060 of the Monterey County Code, violations are subject to a \$250 fine:

Arroyo Seco Road, on both sides of Arroyo Seco Road from the centerline of Leslie Lane, easterly for five hundred and ten (510) feet;

Arroyo Seco Road, on the north side of Arroyo Seco Road from the centerline of Leslie Lane, westerly for two thousand nine hundred (2,900) feet; and,

Arroyo Seco Road, on the south side of Arroyo Seco Road from the centerline of the most western intersection with Elm Avenue, westerly for nine hundred and sixty-five (965) feet.

SECTION 4. INOPERATIVE PROVISIONS OF THE MONTEREY COUNTY CODE.

For so long as this urgency ordinance is operative, the provisions of Section 12.28.010 of the Monterey County Code shall be inoperative as they pertain to the following street locations:

Elm Avenue, along both sides of Elm Avenue from Bridge No. 320 easterly for a distance of seven hundred (700) feet; and,

Elm Avenue, on both sides of the two road segments of Elm Avenue from Arroyo Seco Road to Bridge No. 320.

SECTION 5. 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 6. 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 7. 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, that it is necessary for the immediate protection of the public peace, health, and safety, and shall remain in effect until it is terminated or superseded.

PASSED AND ADOPTED this ____ day of July 2020, by the following vote:

AYES:
NOES:
ABSENT:

Christopher M. Lopez, 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