

Attachment B

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING SECTION 14.18.040 OF THE MONTEREY COUNTY CODE TO ESTABLISH A \$1,000 CIVIL PENALTY FOR ILLEGAL CAMPING IN THE RIGHT-OF-WAY OF STATE HIGHWAY ONE BETWEEN CARMEL RIVER AND THE MONTEREY-SAN LUIS OBISPO COUNTY LINE

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 camping illegally in unincorporated area along State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line. This ordinance amends Section 14.18.040 of the Monterey County Code to establish up to a \$1,000 civil penalty for any illegal camping in the right-of-way of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line. Roadside visitor camping along State Highway One in this area has created a consistent and increasing public health and safety concern for the community, particularly regarding campfires, disturbed habitat, and littering, and the potential for forest fires. This risk is heightened now given the current drought and increased traveling due to Covid-19 pandemic restrictions being lifted. This ordinance is an urgency ordinance pursuant to Government Code section 25123 and requires a four-fifths vote for adoption.

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

SECTION 1. PURPOSE AND FINDINGS.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey (“County”) 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.

B. Monterey County Code section 14.80.020(A) states: “No person shall camp in the right-of-way of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line at any time.”

C. Despite Section 14.80.020(A), residents of the Big Sur area have still reported that individuals illegally camp along portions of State Highway One between the Carmel River and the Monterey-San Luis Obispo County Line.

D. It is necessary and appropriate for the immediate protection of the public peace, health, safety and welfare of the County to establish a \$1,000 civil penalty for violation of Section 14.80.020(A). Roadside camping along State Highway One in this area has created a consistent and increasing public health and safety concern for the community, particularly

regarding campfires, disturbed habitat and littering, and the potential for forest fires. This risk is heightened now given the current drought and increased traveling due to Covid-19 pandemic restrictions being lifted.

E. The County has received multiple requests from community groups and residents advocating emphasizing and enforcing the existing no camping area along State Highway One.

F. The adoption of the ordinance is categorically exempt under the California Environmental Quality Act pursuant to sections 15301(c) and 15308 of the CEQA Guidelines because the action will involve negligible changes to the existing County regulations that govern the existing County highways and streets, and the action is for the protection of the environment.

SECTION 2. Section 14.80.040 of the Monterey County Code is amended to read as follows:

A. It shall be at the discretion of the peace officer enforcing this Chapter to determine if the person sleeping or resting in his or her vehicle is doing so for health or safety purposes. The peace officer shall not issue a citation if the peace officer reasonably believes that the person sleeping or resting in his or her parked vehicle is doing so the health or safety purposes unless the area in which the vehicle is parked is specifically posted or signed as a no parking area.

B. A violation of Section 14.18.020(A) of this Chapter shall be punishable by a civil penalty of not more than one thousand dollars (\$1,000).

SECTION 3. 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 this ordinance including the posting of appropriate signage in and around the described locations.

SECTION 4. 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 5. 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 ____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

Mary Adams, Chair,
Monterey County Board of Supervisors

AT T E S T:

VALERIE RALPH
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON
Assistant County Counsel