

ORDINANCE NO. 5241

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 12.44 OF THE MONTEREY COUNTY CODE RELATING TO
THE APPLICATION OF THE VEHICLE CODE OF THE STATE OF CALIFORNIA TO
PRIVATE ROADS IN THE EAST GARRISON PHASE ONE SUBDIVISION.**

County Counsel Summary

This ordinance amends section 12.44 of the Monterey County Code to add Article VII to Chapter 12.44 to make the California Vehicle Code applicable to the private roads in the East Garrison Phase 1 Private Subdivision located in the former Fort Ord area in the unincorporated area of the County of Monterey.

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 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. California Vehicle Code Section 21107.5 authorizes the County of Monterey to enact an ordinance to apply the provisions of the California Vehicle Code to privately owned and maintained roads, upon finding and declaring that the privately owned and maintained roads are generally held open for use by the public for vehicular travel and so connect with highways that the public cannot determine that the rods are not highways.

C. The Board of Supervisors hereby finds and declares that the privately owned and maintained roads described in this ordinance and shown on the East Garrison Phase One Final Map (recorded in the Office of the Recorder of the County of Monterey on June 28, 2007 at Volume 24, Cities and Towns, at page 7) are generally held open for use by the public for vehicular travel and so connect with highways that the public cannot determine that the rods are not highways.

D. This ordinance promotes the public health, safety and welfare by making the privately owned and maintained roads described in this ordinance subject to public traffic regulations.

SECTION 2. Chapter 12.44 of the Monterey County Code is amended to add Article VII reading as follows:

ARTICLE VII. EAST GARRISON PHASE 1 AREA

12.44.400 PURPOSE

This ordinance is enacted for the purpose of adopting the provisions of the Vehicle Code of the State of California in the manner provided in Section 21107.7 of the California Vehicle Code for the control of vehicular traffic in the East Garrison Phase One subdivision. The "East Garrison Phase One subdivision" means that subdivision created by the East Garrison Phase One

Final Map, recorded on June 28, 2007 in the Office of the Recorder of the County of Monterey at Volume 24, Cities, and Towns, at page 7.

12.44.401 APPLICATION OF VEHICLE CODE

The roads described in section 12.44.402 are privately owned and maintained roads that are generally held open for use by the public for vehicular travel and which so connect with highways that the public cannot determine that the roads are not highways.

12.44.402 ROADS AFFECTED

The following roads, all of which are located in the East Garrison Phase One subdivision are affected by this article, and the provisions of the California Vehicle Code shall apply to such roads:

1. Banks Street
2. Bragg Way
3. Caldwell Street
4. Chamberlain Avenue
5. Chapel Hill Road
6. East Garrison Drive
7. Kearny Street
8. McClellan Circle
9. McDowell Street
10. Meade Way
11. Ord Avenue
12. Pope Lane
13. Porter Street
14. Reynolds Street
15. Sheridan Street
16. Sherman Boulevard
17. Steedman Street
18. Stonehenge Lane
19. Thomas Lane
20. Warren Avenue

12.44.403 SIGNS AND MARKINGS

A. The owner of the roads described in section 12.44.402 shall erect appropriate signs at the vehicular entrances to the East Garrison Phase One subdivision of such size, shape, and color as to be readily legible during daylight hours from a distance of one hundred feet, to the effect that the roads are subject to the provisions of the California Vehicle Code.

B. All traffic regulatory and warning signs and markings shall conform to the design and siting standards depicted in the most current edition of the *California Manual on Uniform Traffic Control Devices* published by the State of California Department of Transportation in accordance with Section 21400 of the California Vehicle Code.

C. This article shall not apply to any privately owned and maintained road within the East Garrison Phase One subdivision on which the owner of the road has erected a notice of a size, shape and color as to be readily legible during daylight hours from a distance of one

hundred feet to the effect that he road is privately maintained and that it is not subject to the public traffic regulations or control.

12.44.404 TRAFFIC ENFORCEMENT

The California Vehicle Code shall be enforced within East Garrison Phase One Subdivision by the County of Monterey Sheriff's Department and the California Highway Patrol. Enforcement shall be carried out according to the current California Vehicle Code as it may be amended from time to time.

12.44.405 PENALTY FOR VIOLATION

Every person who violates any of the provisions of the California Vehicle Code shall be guilty of an infraction or a misdemeanor, as the case may be, based on applicable California Vehicle Code provisions, and upon conviction thereof shall be punished in the manner specified in Section 42000 et. seq. of the California Vehicle Code.

SECTION 3. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this 24th day of June, 2014, by the following vote:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES:

ABSENT:

/s/ Louis R. Calcagno

Louis R. Calcagno, Chair,
Monterey County Board of Supervisors

A T T E S T :

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: /s/ Gail T. Borkowski
Deputy

APPROVED AS TO FORM:

/s/ Wendy S. Strimling

WENDY S. STRIMLING
Senior Deputy County Counsel