

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, RELATING TO TIME LIMITS ON PARKING ON LAPIS ROAD IN THE UNINCORPORATED COUNTY.

County Counsel Summary

This ordinance prohibits parking between the hours of 10:00 a.m. and 6:00 p.m. on the entirety of Lapis Road, a County road just north of the City of Marina and just west of Del Monte Boulevard and east of Highway 1, in the unincorporated area of the County of Monterey. The ordinance also establishes a tow-away zone, authorizing the immediate removal of vehicles that violate the no-parking restriction. This restriction will take effect immediately upon the adoption of the ordinance and will remain in effect until and through November 30, 2017. This ordinance is an urgency ordinance necessary for the immediate preservation of the public peace, health, and safety of the residents of the County of Monterey and will take effect immediately upon its adoption.

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

SECTION 1. PURPOSE AND AUTHORITY. This urgency ordinance is adopted pursuant to Article XI, section 7 of the California Constitution, subdivision (d) of section 25123 of the California Government Code, and sections 22507 and 22651 of the California Vehicle Code for the immediate preservation of the public peace, health, and safety of the residents of the County of Monterey.

SECTION 2. FINDINGS. The Board of Supervisors of the County of Monterey hereby finds and declares the following:

- A. Homelessness is a serious and ongoing problem within the County of Monterey which requires immediate action by the Board of Supervisors for the preservation of the public peace, health, and safety.
- B. According to the 2017 Monterey County Homeless Census and Survey, the homeless population within the County of Monterey has increased, with a third of individuals who experience homelessness sleeping in vehicles.
- C. Lapis Road is a County road just north of the City of Marina and just west of Del Monte Boulevard and east of Highway 1 in the unincorporated area of Monterey County. Homeless individuals are living in vehicles along the side of this road without appropriate services. These individuals park a variety of vehicles, including motor homes, cars, and trailers, on the shoulder of the road and use these vehicles to sleep and live in. The uncontrolled use of the road for this purpose has resulted in serious health and safety problems with the condition and use of the road and the County right-of-way, including crime and dumping of trash and refuse.
- D. The Board of Supervisors has recently directed staff to pursue short and long term solutions for homeless housing, including but not limited to, development of a Safe Parking Program, temporary warming shelter, and permanent shelter location, but these solutions are not immediately available.

- E. On August 29, 2017, pending development of the Safe Parking Program, the Board of Supervisors adopted a resolution, effective at 6 p.m. September 1, 2017, granting permission for the purposes of enforcement of California Penal Code sections 602(m) and 647(e) only, for parking of certain vehicles, as defined in California Vehicle Code sections 242 (camp trailers), 324 (“5th wheels”) and 415 (motor vehicles), along the shoulder of and within the public right-of-way for Lapis Road between its northerly intersection with Del Monte Boulevard and its southerly intersection also with Del Monte Boulevard, but not including any portion of the private road leading to the Cemex plant, between the hours of 6:00 p.m. and 10:00 a.m., subject to compliance with all other laws, including those requiring valid registration, prohibiting littering and dumping of trash and refuse, and prohibiting the blockage or interference with the free passage of vehicles along Lapis Road. Said permission is effective only until the earlier of 10:00 a.m. on November 30, 2017, or the operational date of a Safe Parking Program by Monterey County. The Board of Supervisors also directed staff to develop and implement appropriate guidelines and regulations to implement the resolution.
- F. To implement the Board’s resolution for temporary permission for nighttime parking only on Lapis Road and to prevent the immediate threat to the public peace, health and safety that would arise if such parking were to be allowed all day, it is necessary to adopt this urgency ordinance to prohibit the stopping, parking, or leaving standing of any vehicle on Lapis Road between the hours of 10: 00 a.m. and 6:00 p.m. and to authorize removal of vehicles that violate this prohibition.
- G. This urgency ordinance is intended to have limited duration, until and through November 30, 2017, whereupon it is expected that the Board will have adopted a Safe Parking program with an alternative location with additional services for overnight parking.
- H. This urgency ordinance is statutorily exempt from the California Environmental Quality Act pursuant to section 15269(c) of the CEQA Guidelines because it is necessary to mitigate an immediate threat to public peace, health, and safety

SECTION 3. In order to protect the public health, safety, and welfare of the residents of the County of Monterey from a current and immediate danger, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic-control device, in any of the following places between the hours of 10:00 a.m. and 6:00 p.m., and the Director of Transportation of the County of Monterey is directed to place and maintain appropriate signs or curb markings giving notice of this regulation at such places:

Lapis Road, on both sides of Lapis Road, along its entirety from Del Monte Boulevard generally north to its terminus at Del Monte Boulevard, in the vicinity of the City of Marina.

Vehicles in violation of this restriction are subject to immediate removal. The Director of Transportation of the County of Monterey is authorized and directed to post signs giving notice that the vehicle may be removed.

SECTION 4. The restrictions enacted by this ordinance shall take effect immediately upon adoption of this ordinance and shall remain in effect until and through November 30, 2017.

SECTION 5. This ordinance is an urgency ordinance adopted pursuant to California Government Code Section 25123 and shall take effect immediately following its adoption.

PASSED AND ADOPTED this ____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

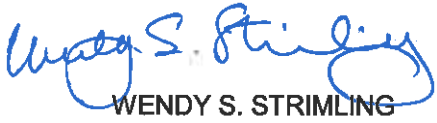
ABSTAIN:

Mary L. Adams, Chair,
Monterey County Board of Supervisors

A T T E S T :

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
SENIOR DEPUTY COUNTY COUNSEL