

ORDINANCE NO. ____

**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 GENERALLY HELD OPEN FOR USE BY THE PUBLIC FOR
VEHICULAR TRAVEL IN THE EAST GARRISON SUBDIVISION.**

County Counsel Summary

This ordinance amends Chapter 12.44 of the Monterey County Code to make the California Vehicle Code applicable to all private roads generally held open for use by the public for vehicular travel in the East Garrison subdivision (Phase One, Two, and Three) located in the East Garrison area of 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 residents.

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 roads 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, Two, and Three Final Maps (filed for record in the Office of the Recorder of the County of Monterey respectively as follows: Phase One final map filed 28 June, 2007 at Volume 24, Cities and Towns, at page 7; Phase Two final map filed 19 March, 2015 at Volume 24, Cities and Towns, at page 41; and Phase Three final map filed 26 December 2017 at Volume 24, Cities and Towns, at page 54) are generally held open for use by the public for vehicular travel and so connect with highways that the public cannot determine that the roads 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.

E. The Board of Supervisors previously enacted traffic regulations for Phases One and Two of the East Garrison subdivision, codified at Article VII and Article VIII of Chapter 12.44 of Title 12 of the County Code. In order to consolidate and apply a consistent set of

regulations for all three phases of the East Garrison subdivision, this ordinance is intended to replace Articles VII and VIII with a single article applicable to all phases of the East Garrison subdivision.

SECTION 2. Article VII, comprised of section 12.44.400 through section 12.44.405, of Chapter 12.44 of the Monterey County Code is amended to read as follows:

ARTICLE VII. EAST GARRISON AREA

12.44.400 PURPOSE

This article is enacted for the purpose of adopting the provisions of the Vehicle Code of the State of California in the manner provided in Section 21107.5 of the California Vehicle Code for the control of vehicular traffic in the East Garrison subdivision. The “East Garrison subdivision” means that subdivision created by the East Garrison Phases One, Two, and Three Final Maps, filed for record respectively as follows: Phase One, filed on 28 June, 2007 at Volume 24, Cities and Towns, at page 7.; Phase Two, filed on 19 March, 2015 at Volume 24, Cities and Towns, at page 41; and Phase Three, filed on 26 December 2017 at Volume 24, Cities and Towns, at page 54.

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 within the East Garrison subdivision (Phases One, Two, and Three), are affected by this article, and the provisions of the California Vehicle Code shall apply to such roads:

1. Alexander Lane
2. Banks Street
3. Breckinridge Avenue
4. Burnside Road
5. Caldwell Street
6. Chamberlain Avenue
7. Chapel Hill Road
8. Coliseum Lane
9. Early Lane
10. East Garrison Drive
11. Falling Water Lane
12. Kearny Street
13. Kilpatrick Lane
14. Kit Carson Drive
15. Lee Avenue
16. Logan Street
17. Mahone Street

18. McClellan Circle
19. McDowell Street
20. Meade Way
21. Morgan Street
22. Ord Avenue
23. Pickett Lane
24. Pope Lane
25. Porter Street
26. Reynolds Street
27. Schofield Lane
28. Sedgwick Lane
29. Sheridan Street
30. Sherman Boulevard
31. Sloat Street
32. Steedman Street
33. Stonehenge Lane
34. Thomas Lane
35. Warren Avenue
36. Wilcox Street

12.44.403 SIGNS AND MARKINGS

- A. The roads described in section 12.44.402 are private roads that are generally held open for use by the public for vehicular travel and 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.

12.44.404 TRAFFIC ENFORCEMENT

The California Vehicle Code may be enforced on the roads affected by this article within the East Garrison subdivision by the County of Monterey Sheriff's Department and the California Highway Patrol. Enforcement shall be carried out per 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 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. Article VIII, comprised of section 12.44.500 through section 12.44.505, of Chapter 12.44 of the Monterey County Code is repealed.

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

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

AYES:

NOES:

ABSENT:

Wendy Root Askew, Chair,
Monterey County Board of Supervisors

A T T E S T :

VALERIE RALPH
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

/s/ Wendy S. Strimling

WENDY S. STRIMLING
Assistant County Counsel