

ORDINANCE NO. 1658(18)

An Ordinance of the City Council of the City of Lompoc, County of Santa Barbara, State of California, Amending Chapter 10.28 (Stopping, Standing And Parking) Of The Lompoc Municipal Code To Prohibit Overnight Parking On Certain Streets, and Amending Chapter 10.30 (Safe Parking Ordinance) To Comply With *Martin v. City of Boise*

WHEREAS, the City of Lompoc has experienced consistent nuisance issues and other adverse impacts resulting from the parking of vehicles in the 800-1000 Block of Aviation Drive and 800 Block of Cordoba Avenue; and

WHEREAS, since January 2016, there have been 195 police contacts with persons and/or vehicles for various crimes in the 800-1000 Block of Aviation Drive and 800 Block of Cordoba Avenue; and

WHEREAS, the majority of police contacts are for enforcement of the existing 72-hour parking time limit. Other calls for response related to parked vehicles on those streets have involved unlicensed/suspended license drivers, leaking sewage on the ground, dumping of trash, petty thefts, domestic violence, violations of restraining orders, parole violations, vehicle fires, warrant arrests, and suicidal subjects. Recently there is increased business activity in the area, resulting in more frequent calls to the Police Department for assistance; and

WHEREAS, most vehicles parked on the 800-1000 Block of Aviation Drive and 800 Block of Cordoba Avenue are there, in effect, for periods of time well past the 72-hour parking time limit. Most, if not all, the vehicles periodically move just enough to reset the 72-hour clock; and

WHEREAS, such conditions constitute a threat to public peace, health, and safety due to the following:

- Many vehicles regularly parked in the Aviation/Cordoba area contain toilets that are regularly used. Several instances of raw sewage leaking onto the ground from faulty sewage tanks have been observed by the Police Department;
- The Police Department has responded many times to the Aviation/Cordoba area for actively occurring crimes of violence or to contact suspects of violent crimes who occupy or own vehicles parked on the street;
- Several businesses in the Aviation/Cordoba area have experienced negative impacts to their business because there is no available parking on Aviation or Cordoba, due to vehicles being parked there for extended periods of time;
- The Police Department has observed several persons owning or occupying parked vehicles in the Aviation/Cordoba area suffer from various mental health issues for which they need assistance. The people in need of assistance are frequently victimized by others due to their vulnerable state;

- Businesses in the Aviation/Cordoba area have reported used needles and condoms close to their buildings, likely due to long term parked vehicles in the area. This represents a threat to public safety as business employees are at risk of being stuck by a used hypodermic needle or coming into contact with a used prophylactic;
- According to Police Department records, theft from the nearby Walmart has drastically increased recently and many times owners or occupants of vehicles parked on Aviation/Cordoba are the suspects; and

WHEREAS, such conditions could be mitigated by prohibiting overnight parking on the Aviation/Cordoba area; and

WHEREAS, California Vehicle Code section 22507 authorizes cities to “prohibit or restrict the stopping, parking, or standing of vehicles . . . on certain streets or highways, or portions thereof, during all or certain hours of the day”; and

WHEREAS, the City has adopted a Safe Parking Ordinance (LMC Chapter 10.30) prohibiting the residential use of public streets, alleys, and City-owned parking areas, which provides an exemption for areas operating a Safe Parking Program; and

WHEREAS, following the adoption of the Safe Parking Ordinance, the Ninth Circuit Court of Appeals, in a case entitled *Martin v. City of Boise*, clarified certain legal standards relating to the citation of persons for sleeping in unauthorized areas when there are no other available locations for them to sleep; and

WHEREAS, to comply with *Martin v. City of Boise*, this ordinance adds an additional exemption to the Safe Parking Ordinance for when there are no Safe Parking Areas or shelter beds available.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 10.28.230 is hereby added to Chapter 10.28 of the Lompoc Municipal Code to read as follows:

10.28.230 Restrictions On Overnight Parking

When signs or markings are in place giving notice thereof, no person shall park any vehicle between the hours of 11:00 p.m. on one day and 6:00 a.m. on the immediately following day on Cordoba Avenue or Aviation Drive.

SECTION 2. Section 10.30.060 of the Lompoc Municipal Code is hereby amended to read as follows:

10.30.060 Exceptions.

- a. This chapter is not applicable to Safe Parking Programs or similar vehicular sheltering programs or the expansion of such programs operated on City-owned parking areas or certain private property approved by the City Council in support of transitioning the homeless community of the City into housing.
- b. No citation for a violation of this chapter, whether criminal or administrative, shall be issued to any person unless, at the time in question, the enforcement officer is able to make an affirmative determination that (1) there is a sleeping space practically available to such person in a shelter within the City of Lompoc or within one mile outside the City of Lompoc, or (2) there is a parking space practically available for such person's vehicle as part of a Safe Parking Program or similar vehicular sheltering program.

SECTION 3. If any section, subsection, paragraph, sentence, clause, or portion of this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable, then those decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that this ordinance and each section, subsection, division, paragraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more portions of this ordinance may be declared invalid, unconstitutional or unenforceable.

SECTION 4. This ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this ordinance and shall cause this ordinance to be posted in the manner required by law.

This Ordinance was introduced on December 4, 2018, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2018, by the following electronic vote:

PASSED AND ADOPTED this ___th day of ___ 2018, by the following electronic vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

Bob Lingl, Mayor
City of Lompoc

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Attest:

Stacey Haddon, City Clerk
City of Lompoc