

ORDINANCE NO. 1666(19)

**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
Cordoba Avenue and Aviation Drive, and Provide for the
Creation of Parking Permit Programs for Restricted Parking
Zones, and Amending Chapter 10.30 (Safe Parking Ordinance)
to Comply With *Martin v. City of Boise***

WHEREAS, Vehicle Code section 22507 authorizes cities to prohibit or restrict the parking of vehicles on certain streets or highways during all or certain hours of the day; and

WHEREAS, the City of Lompoc (City) has experienced consistent nuisance issues and other adverse impacts resulting from the parking of non-business-related vehicles on Aviation Drive and Cordoba Avenue; and

WHEREAS, since January 2016, there have been at least 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, some of the nuisance conditions and reasons for police contacts have included 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 non-business-related vehicles being parked there for extended periods of time;
- The Police Department has observed that 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 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, Vehicle Code section 22507 further authorizes cities to designate certain streets upon which preferential parking privileges are given to residents and merchants adjacent to those streets for their use and the use of their guests, under which the residents and merchants may be issued a permit or permits that exempts them from an established prohibition or restriction; and

WHEREAS, Vehicle Code section 22507 further authorizes cities to issue preferential parking permits to members of organizations, professions, or other designated groups to park on otherwise restricted streets if the city determines that the use of the permits will not adversely affect parking conditions for residents and merchants in the area; 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 10.28.040 of the Lompoc Municipal Code, entitled Designation of Restricted Parking Zones, shall be amended to read, in its entirety, as follows:

- A. Daytime Parking Restrictions:** When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle between the hours of 9:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays, for a period of time longer than one hour on the following streets:

- ~~A~~1. "G" Street between the Alley South of Ocean Avenue and Walnut Avenue;
- ~~B~~2. "H" Street between Cypress and Chestnut Avenues;
- ~~C~~3. "I" Street between Cypress and Walnut Avenues;
- ~~D~~4. Ocean Avenue between "F" and "K" Streets;
- ~~E~~5. Walnut Avenue between "G" and "I" Streets. (Prior code § 2059)

B. Overnight Parking Restrictions. When authorized 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 next day on the following streets:

- 1. Cordoba Avenue;
- 2. Aviation Drive.

Notwithstanding the above, the overnight parking restrictions on Aviation Drive shall not apply on any day a City-permitted special event takes place on the open lot directly north of Aviation Drive.."

SECTION 2. Section 10.28.230, entitled Permit Parking in Restricted Parking Zones, is hereby added to the Lompoc Municipal Code and shall read as follows:

10.28.230 Permit Parking in Restricted Parking Zones.

- A. The City Council may, by resolution, establish a parking permit program, pursuant to Vehicle Code Section 22507, which allows designated individuals to park in restricted parking zones when in possession of a City-issued permit. Such individuals may include any or all of the following:
 - 1. Residents and merchants adjacent to the restricted parking zones; and
 - 2. Members of organizations, professions, or other designated groups, but only if the City Council finds the use of such permits will not adversely affect parking conditions for residents and merchants in the area.
- B. The issuance of a parking permit shall be contingent upon payment of a fee established by a resolution of the City Council.

- C. It is unlawful to sell or exchange a parking permit issued under this Section for any form of compensation.
- D. Where the resolution establishing a parking permit program limits the availability of parking permits to members of one or more designated groups listed in Section 10.28.230(A)(1) or (A)(2), it is unlawful for any person not belonging to one of the designated groups to use a parking permit.
- E. It is unlawful to give a parking permit to any person who is not authorized to use it.

SECTION 3. Section 10.30.060 of the Lompoc Municipal Code, entitled Exceptions, is hereby amended to read, in its entirety, as follows:

- A. This chapter is not applicable to “Safe Parking” Ppograms 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 (i) 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 (ii) 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 4. 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 this ordinance and each section, subsection, division, paragraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one of more portions of this ordinance may be declared invalid, unconstitutional or unenforceable.

SECTION 5. This ordinance shall take effect 30 days after its adoption. The City Clerk, or the 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 March 5, 2019, and duly adopted by the City Council of the City of Lompoc at its regular meeting on _____, 2019, by the following electronic vote:

PASSED AND ADOPTED this ___th day of ___ 2019, by the following electronic vote:

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

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc