



City Council Agenda Item

City Council Meeting Date: October 21, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Malawy, City Attorney
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SUBJECT: Introduction of Ordinance No. 1737(25) Establishing a Minimum Distance that Vehicles Must Be Moved To Avoid Violation of Lompoc Municipal Code 10.28.190 (72-Hour Parking) and to Authorize Removal of Vehicles in Violation; Introduction of Ordinance 1738(25) Removing the Need for an Available Shelter Space or Safe Parking Space In Order to Enforce Chapter 10.30 (Residential Use of Vehicles)

Recommendation:

Staff recommends the City Council consider and decide whether to:

- 1) Introduce, for first reading by title only with further reading waived, Ordinance No. 1737(25) establishing a minimum distance that a vehicle must be moved to avoid violation of Lompoc Municipal Code ("LMC") section 10.28.190 (72-Hour Parking), and to authorize removal of vehicles in violation (Attachment 1); and
- 2) Introduce, for first reading by title only with further reading waived, Ordinance No. 1738(25) removing the need for an available shelter space or Safe Parking Program space in order to enforce LMC Chapter 10.30 (Residential Use of Vehicles) (Attachment 2).

Background / Discussion:

72-Hour Parking Ordinance

California Vehicle Code section 22651(k) authorizes a vehicle to be towed "If a vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal." Under the Vehicle Code, "highway" includes streets and alleys. (Vehicle Code sections 360 and 110.)

Lompoc has adopted LMC section 10.28.190, which provides "It shall be unlawful to park, or leave standing, a vehicle, upon a street or highway, for 72 or more consecutive hours."

On July 1, 2025, the City Council requested staff to present an ordinance for consideration that would require a vehicle to move at least 300 feet in order to avoid violation of LMC 10.28.190. The City Council was concerned that vehicles were evading LMC 10.28.190 by moving only a few inches every 72 hours.

Ordinance No. 1737(25) (Attachment 1) would establish a minimum distance of 300 feet that a vehicle must be moved each 72 hours in order to avoid violation of LMC 10.28.190. The ordinance would also make it a violation if the odometer on the vehicle exhibits a change less than one-tenth (1/10) of one mile over a 72-hour period while the vehicle is parked on the street.

The ordinance also authorizes a vehicle to be towed if found in violation of LMC 10.28.190. Finally, to comply with public notice requirements, the ordinance requires signs notifying the public of the 72-hour minimum distance rule to be placed at all vehicle entrances to the City.

Residential Use of Vehicles Ordinance

LMC Chapter 10.30 makes it unlawful to use a motor vehicle for a residential purpose overnight on any public street, alley, private property, or City-owned parking area, except for within permitted Safe Parking Program locations.

Section 10.30.060(B) provides an exception required by a 2019 Ninth Circuit case – *Martin v. Boise*, 920 F.3d 584 (9th Cir. 2019). The exception in LMC Section 10.30.060(B) states that Chapter 10.30 shall not be enforced unless, at the time of a violation, there is a sleeping place available in a shelter in Lompoc or within one mile outside Lompoc, or there is a parking space available in a vehicular sheltering program location.

In a decision on June 28, 2024, in *City of Grants Pass v. Johnson*, 603 U.S. 520 (2024), the United States Supreme Court overturned *Martin v. Boise*, and therefore the exception in LMC 10.30.060(B) is no longer legally necessary.

On October 7, 2025, the City Council requested staff present an ordinance to delete the unnecessary exception.

Ordinance No. 1738(25) (Attachment 2) deletes the exception in LMC Section 10.30.060(B).

Fiscal Impact:

There is no fiscal impact for the adoption of the two ordinances. However, the signage requirement will result in minimal expenses for manufacture and posting of appropriate signs at the five entrances to the City.

Conclusion:

The City Council may discuss and decide whether to introduce the two ordinances as-is, make any changes to the ordinances, or provide any alternative direction.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeff Malawy", is written over a horizontal line.

Jeff Malawy, City Attorney

- Attachments: 1) Ordinance No. 1737(25)
2) Ordinance No. 1738(25)