ORDINANCE 2013-1101

MEETING: November 12, 2013

TO: The Board of Supervisors

FROM: Peter Rei, Public Works Director

RE: Waive 2nd Reading & Adopt Ordinance Amending Chapter 10.08.031 of the Mariposa County Code Pu

RECOMMENDATION AND JUSTIFICATION:
Waive Second Reading and Adopt an Ordinance Amending Chapter 10.08.031 of the Mariposa County Code Pursuant to Camping and Overnight Parking.

Recently Public Works staff were informed that individuals have been parking overnight in the parking lot at 7th and Bullion streets which is owned by Mariposa County. We were asked by a member of the community if this was against current County Ordinances. Upon reviewing Chapter 10.08.031, staff finds that the current Camping and Overnight Parking Ordinance only prohibits camping and overnight parking on property designated as roadside rests or County Parks. It does not mention parking lots.

To correct this situation staff is proposing a modification of the language in Chapter 10.08.031 to prohibit camping and overnight parking on any County property not designated as a campground.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board previously approved Chapter 10.08.031 in 1986.
The First Reading was waived and the Ordinance was Introduced on November 5, 2013.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If the Ordinance Amendment is not approved, overnight parking of cars will continue to be allowed in County owned parking lots.

ATTACHMENTS:
2nd Reading (11-12-13) Camping and Overnight Parking Ordinance  (DOCX)
CAO RECOMMENDATION
Requested Action Recommended

Rick Benson, County Administrator

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier
MARIPOSA COUNTY ORDINANCE No. 1101

CAMPING AND OVERNIGHT PARKING ORDINANCE AMENDMENT

WHEREAS, the Board of Supervisors desire to ensure the safe use by the public of parking lots owned or managed by the County; and

WHEREAS, the Board of Supervisors have determined that it is in the best interest of the community to prohibit overnight parking in parking lots owned or managed by the County; and

WHEREAS, this amendment will add language to Chapter 10.08.031 of the Mariposa County Code.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Section 10.08.031 of Chapter 10 of the Mariposa County Code is hereby amended to read as follows:

10.08.031 - It shall be unlawful to camp or park any unauthorized private vehicles overnight in or upon any County owned or managed property except in designated campgrounds.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 12th day of November, 2013, by the following vote:

AYES: STETSON, JONES, BIBBY, CANN, CARRIER

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

LEE STETSON, Chair
Mariposa County Board of Supervisors

ATTEST:

RENE LaROCHE, Clerk of the Board

APPROVED AS TO FORM:

STEVEN DAHLEM, County Counsel
TO: PETE REI, Public Works Director

FROM: RENE’ LaROCHE, Clerk of the Board

SUBJECT: Waive First Reading of an Ordinance Amending Chapter 10.08.031 of the Mariposa County Code Pursuant to Camping and Overnight Parking

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA

ADOPTED THIS Order on October 8, 2013

ACTION AND VOTE:

1. Public Works (ID # 2830)
   Waive First Reading of an Ordinance Amending Chapter 10.08.031 of the Mariposa County Code Pursuant to Camping and Overnight Parking
   The staff presentation was made by Peter Rei who noted a modification of language adding "private vehicles" to who may park overnight.
   County Counsel clarified that the proposed language should read: "It shall be unlawful to camp or park any unauthorized private vehicle..."
   Public comment opened.
   A woman who identified herself as Hillary noted that she works at the Prospectors Brewery and hopes that people who drink responsibly and get a ride home are not penalized for leaving vehicles overnight. Mr. Rei responded that he believes that this would be enforced by complaint, so he would not expect that circumstance to be a problem.
   Public comment closed.
   Supervisor Cann noted that the agenda item speaks of county owned lots, the top of the ordinance speaks of county managed lots, and the body of the ordinance speaks of county owned again. He noted that he believes the Parking District would want this to apply but is uncomfortable speaking on their behalf without consultation and requested that the matter be tabled for a week or two pending some feedback from the Parking District. Mr. Rei indicated that staff is agreeable to such a delay.
   Supervisor Bibby inquired if the CHP and Sheriff’s Office agree with the wording. Agreement was indicated from the audience by Becky Hagen/CHP Lieutenant Commander and Doug Binnewies/Mariposa County Sheriff.
   Chair Stetson noted that direction has been given to bring this item back.

RESULT: TABLED Next: 11/5/2013 9:00 AM

Cc: File
TO:       PETE REI, Public Works Director  
FROM:    RENE` LaROCHE, Clerk of the Board  
SUBJECT: Waive First Reading and Introduce an Ordinance Amending Chapter 10.08.031 of the Mariposa County Code Pursuant to Camping and Overnight Parking

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 5, 2013

ACTION AND VOTE:

2. Public Works (ID # 2830)
   Waive First Reading and Introduce an Ordinance Amending Chapter 10.08.031 of the Mariposa County Code Pursuant to Camping and Overnight Parking
   The staff presentation was made by Peter Rei.
   Public Comment Opened.
   Ron Judice inquired if this could include parking on streets or other county property as he has noticed a transient vehicle on 2nd Street next to St. Joseph's Church for approximately one week. Mr. Rei responded that Mr. Judice's issue is regulated by a different portion of the law; and that the Streets and Highways code allows for the Road Commissioner, working with law enforcement, to address those issues on County maintained roads. Mr. Rei also noted that this was intended for private property, specifically parking lots, because that was the problem that was being addressed at the time.
   Katie Owens noted that the transient homeless population is definitely increasing and she agrees with the County restricting access from the onset as she feels the problem is only going to grow. She also discussed problems that Oakhurst has been experiencing in this regard.
   Public Comment Closed.
   Supervisor Cann noted conflicting language in the draft ordinance, and asked County Counsel to clarify.
   Steven W. Dahlem/County Counsel recommended editing the first WHEREAS to read: "...parking lots owned or managed by the County"; editing the second WHEREAS to read: "...parking lots owned or managed by the County"; and edit the actual amendment to 10.08.031 to read: "...any county owned or managed property...".
Supervisor Bibby suggested that Public Works disseminate the Ordinance to faith-based organizations that provide services when/if it is approved.
Supervisor Cann moved that the item be approved with the changes recommended by County Counsel. Supervisor Carrier seconded the Motion.
The Clerk read the title and additional text into the record.
The Motion passed unanimously.
The Ordinance was introduced and has been scheduled to come back before the Board on November 12, 2013.

Cc: File
Got 'em both and they're ready to go, thanks
Dan Tucker
mariposagazette@mariposagazette.com

On Nov 12, 2013, at 11:03 AM, Tracy Gauthier wrote:

Good morning,

Attached is Ordinance 1101 for publication in the next issue of the Gazette.

Please reply in receipt of this request.

If you have any questions please let me know.

Thank you
Tracy
<ORD 1101.docx>
STATE OF CALIFORNIA

COUNTY OF MARIPOSA

) ss.

I, the undersigned, state:

I am the publisher and principal clerk of the GAZETTE AND MINER, an established weekly newspaper circulation, within the Town and County of Mariposa County, of California, within the provision of Chapter 1 Division 1 of the California Government Code, and wherewith has been printed and published weekly in the Mariposa, County of Mariposa, State of California, regularly since the year 1854; that I am a citizen of the United States of America over the age of 18 years, and a resident of the County; and that the notice, of which the annexed is a printed copy, published in each regular issue of said newspaper and any supplement thereof on the following dates, to wit:

11/21/13

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature (R.D. Tucker, Publisher)

Date 11/21/2013

MARIPOSA COUNTY ORDINANCE No. 1101

CAMPING AND OVERNIGHT PARKING ORDINANCE AMENDMENT

WHEREAS, the Board of Supervisors desire to ensure the safety and security of the public and visitors to the County by prohibiting the parking of vehicles overnight in any County owned or managed property except in designated campgrounds;

WHEREAS, the Board of Supervisors have determined that it is in the best interest of the community to prohibit overnight parking in parking lots owned or managed by the County; and

WHEREAS, this amendment will add language to Chapter 10.08.031 of the Mariposa County Code.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Section 10.08.031 of Chapter 10 of the Mariposa County Code is hereby amended to read as follows:

10.08.031 It shall be unlawful to camp or park any unauthorized vehicles overnight in or upon any County owned or managed property except in designated campgrounds.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code §25123.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 12th day of November, 2013, by the following vote:

AYES: STETSON, JONES, BIBBY, CANN, CARRIER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

/ S. LEE STETSON
Lee Stetson, Vice Chairman
Mariposa County Board of Supervisors

ATTEST:
/ S. RENE' LAROCHE
RENE' LAROCHE
Clerk of the Board

APPROVED AS TO FORM:
/ S. STEVEN W. DAHLEM
STEVEN W. DAHLEM
County Counsel
11/21/13:1C