

ORDINANCE NO. 3512 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**ADOPT SECTION 85.5 OF CHAPTER 20 TO PROHIBIT OR LIMIT PARKING ON POSTED
STREETS BETWEEN 2:00 A.M. AND 6:00 A.M.**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, the California Vehicle Code Section 22507.5 authorizes cities, by ordinance or resolution, to prohibit or restrict the parking, or standing of any vehicles on any streets, or portion thereof, between the hours of 2 a.m. and 6 a.m.;

WHEREAS, the California Vehicle Code Section 22507.5 also authorizes cities to issue permits that exempt disabled persons, residents, and/or guests of residents of residential areas from the prohibition or restriction of the ordinance or resolution; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 20, Section 85.5 is hereby added to read as follows:

"Sec. 20-85.5 Regulation of Overnight Parking

No person shall stop, stand or park on any street, when authorized signs are in place giving notice of the restriction, any vehicle between 2:00 a.m. and 6:00 a.m.

The Council may authorize, by resolution, the streets, or portions of the streets upon which parking of any vehicle shall be restricted between the hours of 2:00 a.m. and 6:00 a.m. The Council may also authorize, by resolution, a system of permits for the purpose of exempting from the overnight parking regulation disabled persons, residents, and/or guests of residents of residential areas, including, but not limited to, high-density and multiple-family dwelling areas, lacking adequate off street parking facilities. Permits shall be issued by the Parking Division or their designee. Vehicles not displaying valid permits will be cited.

These parking restrictions do not apply to a commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit has previously been obtained.”

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 3rd day of March, 2015, by the following vote:


AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



City Clerk thereof

