

ORDINANCE NO. 3652 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

**ADDING MONTEREY CITY CODE SECTION 22-26.6 TO PROHIBIT SITTING OR LYING
DOWN ON THE FLOOR INSIDE PUBLIC RESTROOMS**

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

SECTION 1:

WHEREAS, the City of Monterey has 33 public restrooms, and it strives to maintain its public restrooms in a clean and sanitary condition;

WHEREAS, the floors of public restrooms are to be maintained, so far as practicable, in a dry condition, free of solid or liquid wastes, garbage, rodents, insects, and vermin to avoid creating a menace to public health;

WHEREAS, unobstructed public access to toilet facilities and sinks is imperative to protecting public health and welfare. Public restroom use helps to prevent people from defecating and urinating in public;

WHEREAS, public restrooms are occasionally inhospitable due to individuals sitting or lying down on the restroom floors, which blocks public access to toilet stalls or sinks. It also interferes with City staff from being able to properly clean restroom facilities. Lying down or sitting on the restroom floor are incompatible uses of a public restroom;

WHEREAS, present laws that prohibit loitering in public restrooms do not adequately address the safety hazards, disruption, and deterrence to users of public restrooms caused by persons sitting or lying on restroom floors; 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.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 3: Monterey City Code, Chapter 22, Article 1, Section 22-26.6, "Sitting or Lying on Public Restroom Floor" is hereby added to read as follows:

"(a) Prohibited. To protect public health and safety, no person shall sit or lie on the floor inside a public restroom.

(b) Exceptions. The prohibition in subsection (a) of this section shall not apply to any person whose conduct arises out of a medical emergency."

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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 29th day of June, 2022, by the following vote:

AYES:	4	COUNCILMEMBERS:	Albert, Smith, Williamson, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	1	COUNCILMEMBERS:	Haffa
ABSTAIN:	0	COUNCILMEMBERS:	None


APPROVED:

ATTEST:

DocuSigned by:

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 Mayor of said City

DocuSigned by:

ED8453A4F62C4AA...

 City Clerk thereof