

Memo

To: Members, Board of Supervisors
From: Rich Gordon *RG/14*
Date: 10/15/04
Re: Proposed County Ordinance to Regulate the Use of Motor Vehicles for Human Habitation in the Unincorporated Area of San Mateo County

RECOMMENDATION:

Approve introduction of a County Ordinance to regulate the use of motor vehicles for human habitation in the unincorporated area of San Mateo County, and waive reading of the ordinance in its entirety.

BACKGROUND:

The Princeton Citizens' Advisory Committee has been working diligently to provide a safer, cleaner community. One of their concerns has been parked vehicles being used for human habitation. Julian McCurrach of the Princeton Citizens' Advisory Committee approached my office and the Sheriff's coastside patrol division to discuss an ordinance to prohibit sleeping in cars. The proposed ordinance was developed by County staff in response to these discussions. When it became clear that the ordinance would not only affect Princeton, but would be applicable county-wide notice was sent to all of the homeowner associations and municipal advisory councils in the unincorporated area of San Mateo County. Response was minimal, but those groups that did respond were in favor of the adoption of the proposed ordinance.

DISCUSSION:

It is believed that substantial public health, safety, and quality-of-life concerns are posed by persons who sleep overnight in vehicles parked on public streets, on public easements, in public parks, and in off-street parking lots located within the unincorporated area of the County. Residents have informed us of litter and unsanitary conditions caused by or related to individuals who sleep in vehicles, and that such conduct is incompatible with the character of communities located within the unincorporated area. The presence of individuals sleeping in vehicles has created anxiety for some County residents who have contacted law enforcement personnel to report suspicious vehicles. Persons who sleep in vehicles are at a heightened risk of suffering assault, robbery, and other criminal activity.

The proposed ordinance to regulate the use of motor vehicles for sleeping would prevent the effects described above. Proposed Chapter 7.96 of the San Mateo County Ordinance Code would make it an infraction to sleep in any vehicle, camper or trailer between the hours of 10:00pm of any day and 6:00am of the next ensuing day when the vehicle is located on any public street, on any public easement, in any public park, or in any off-street lot designated for parking, within the unincorporated area of San Mateo County.

The ordinance would not preclude camping in designated locations in County parks or in recreational vehicle parks. The ordinance could be enforced with a warning or a citation.

County Counsel prepared the proposed ordinance and opines that it appears consistent with controlling state and federal law.

VISION ALIGNMENT:

Adoption of the proposed ordinance will further the County's goal of maintaining and enhancing the public safety of all residents and visitors.

FISCAL IMPACT:

Aside from additional enforcement costs, which would likely be minor, adoption of this proposed ordinance is not expected to result in a fiscal impact of any significance.

Cc: John Maltbie, County Manager
Tom Casey, County Counsel
Don Horsley, Sheriff
Neil Cullen, Director of Public Works
Julian McCarrach, Chairperson, Princeton Citizens' Advisory Committee
Homeowner Associations and Municipal Advisory Committees