

CAPISTRANO BAY DISTRICT
AGENDA REPORT
October 2, 2012

Security Report

ITEM F.3

Review of District Ordinance No. 06-202/Parked Vehicles

The District has received numerous complaints of a certain dark-gray four door sedan parked along the curb in the area of 35195 Beach Road, blocking driveways and leaking large amounts of motor oil.

This has been brought to the attention of the owner and he has agreed to keep this vehicle parked in the common parking area at the north end of the community, both to prevent further blocking of anyone's driveway and to get the oil leak repaired.

Secondly, this same vehicle owner has a dark blue Corvair that, while it is a smaller vehicle and does not block driveways, it is suspected of also leaking oil. A close inspection revealed that the Corvair does not leak oil. The owner had been in the habit of placing a blue plastic tarp under it each night just as a precaution. He has been advised to stop this practice as the placement of the blue tarp under the car is giving people the perception that it leaks oil.

Vehicles leaking oil does bring up a concern with the District's ability to regulate this problem. In reviewing the District's only ordinance relating to parked vehicles, Ordinance No. 06-202, the language very clearly addresses the public safety and welfare of residents but there is no direct and clear reference to environmental pollution created by parked vehicles, unless it could be included under the more broad definition of "...health, safety and welfare of its residents," (see attached Ordinance No. 06-202, Section 2, para. 3).

The ordinance may have to be amended to include some reference to pollution but before going to that effort, District's legal counsel should review the language to determine if the existing ordinance is sufficient as currently written to make that interpretation.

To that end, a request has been made to the District's counsel, Bob Owen, to review the ordinance language and provide a recommendation.