


Agenda Report Reviewed by:  
City Manager: 

**CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM**

**Meeting Date:** April 19, 2022  
**To:** Honorable Mayor and City Councilmembers  
**From:** Chief of Police Kevin Kilgore  
**Subject:** Public Hearing: An Ordinance of the City of Sebastopol Amending Chapter 10.76 – Recreational Vehicle Parking Ordinance and Amending Chapter 10.36 – Stopping, Standing and Parking for Certain Purposed or in Certain Places of the Sebastopol Municipal Code to include Permitted RV Parking and Further Clarify Section 10.76.040 D and Section 10.76.050 B.  
**Recommendation:** That the City Council conduct the public hearing and receive public comment and Introduce for First Reading and Waive Further Reading of Ordinance Number XXXX if permitted RV parking is desired, to amend the existing language to further clarify Section 10.76.040 D and Section 10.76.050 B, and to amend Chapter 10.36.050 to include clarified language regarding distance moved to comply with the 72-hr. parking restriction  
**Funding:** Currently Budgeted: \_\_\_\_\_ Yes   X\*   No \_\_\_\_\_ N/A

Account Code/Costs authorized in City Approved Budget (if applicable)   Ak   (verified by Administrative Services Department)

\*See fiscal impact section below

**INTRODUCTION/PURPOSE:**

The item is for Council to receive and discuss permitted RV parking in residential zoned areas of the City, conduct the public hearing and receive public comment and Introduce for First Reading and Waive Further Reading of Ordinance Number XXXX, An Ordinance of the City of Sebastopol Amending Chapter 10.76 – Recreational Vehicle Parking Ordinance and Amending Chapter 10.36 – Use of streets for storage of vehicles prohibited of the Sebastopol Municipal Code to include Permitted RV Parking and Further Clarify Section 10.76.040 D and Section 10.76.050 B.

**BACKGROUND:**

On November 30, 2021, the City Council held a Special City Council Meeting to discuss the RV Safe Parking Village proposal. During that meeting, the City Council committed to addressing the parking issues and challenges that have occurred on Morris Street and City Staff was tasked with drafting a parking policy ordinance that addressed recreational vehicle parking in residential, commercial, and industrial zoned areas of the City, along with an option for permitted short-term stay exceptions in residential zoned areas of the City.

On January 18, 2022, the City Council conducted a public hearing and introduced an Ordinance Adding Chapter 10.76 Recreational Vehicle Parking Ordinance and Amending Chapter 10.36 of the Sebastopol Municipal Code.

On February 23, 2022, the City Council completed the second reading and adoption of an Ordinance Adding Chapter 10.76 Recreational Vehicle Parking Ordinance and Amending Chapter 10.36 of the Sebastopol Municipal Code. During this meeting, the City Council asked Staff to provide an ordinance pertaining to permitted RV parking in residential zoned areas of the City, along with amendments to Chapter 10.76 Recreational Vehicle Parking Ordinance to further clarify Section 10.76.040 D Parking Prohibitions “city-related business” and Section 10.76.050 B Exceptions for a 72-hr. exception for a homeowner, tenant, or out-of-town visitor. Additionally, Council asked Staff to provide additional language to Chapter 10.36.050 – Use of streets for storage prohibited regarding the distance a vehicle should be moved in an effort to provide increased enforceability for the 72-hr. parking restrictions.

**DISCUSSION:**

Tonight’s item is to present to the City Council the amended Ordinance which includes the permitted RV parking for residential zoned areas of the City. Additionally, this amended Ordinance further clarifies Section 10.76.040 D Parking Prohibitions “city-related business” and Section 10.76.050 B Exceptions for a 72-hr. exception for a homeowner, tenant, or out-of-town visitor, which are present in this proposed Ordinance and the Ordinance as it was approved on February 23, 2022. Amendments for both sections can be adopted by the Council to amend the already-approved Ordinance or to be included in this proposed amended Ordinance that would allow for permitted RV parking in residential zoned areas.

Additionally, tonight’s item is to present to the City Council the amended Ordinance which includes amending Chapter 10.36.050 Use of Streets for Storage of Vehicles Prohibited of the Sebastopol Municipal Code to include language specifying how far a vehicle must move in order to comply with the 72-hr. parking restriction.

**GOALS:**

This action supports the following City Council Goals and General Plan Actions:

5.1: Expand and Encourage Community Involvement in the Government Process by Increasing the Public’s Understanding of local Government Operations and Increasing Interaction with Elected Officials

5.3.3 Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

Goal CSF 6, Policy CSF 6-1: Continue to maximize public participation in local government actions and maintain excellent levels of City government service.

**PUBLIC COMMENT:**

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

**PUBLIC NOTICE:**

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

**FISCAL IMPACT:**

If approved by Council, the permitting program would not be instituted until such time that the Ad Hoc Committee for the City-wide staffing assessment study has reviewed the study and makes recommendations on departmental staffing.

There is no fiscal impact to amend the existing language to further clarify Section 10.76.040 D, Section 10.76.050 B or Chapter 10.36.050.

**RECOMMENDATION:**

Staff recommends the Sebastopol City Council determine if adoption of Ordinance XXXX, An Ordinance of the City of Sebastopol Amending Chapter 10.76 Recreational Vehicle Parking Ordinance and Amending Chapter 10.36 of the Sebastopol Municipal Code to include permitted RV parking is desired. If desired and approved, staff recommends Council direct staff to return with information related to the Ad Hoc Committee's review of the City-wide staffing assessment, including costs, to properly manage and enforce permitted RV parking in residential zoned areas of the City at a future date.

Staff recommends the Sebastopol City Council hold a public hearing and approve for introduction and first reading Ordinance XXXX, an ordinance of the City of Sebastopol to formally amend Section 10.76.040 D, Section 10.76.050 B, and Chapter 10.36.050.

**Attachments:**

Ordinance XXXX (which includes amendments to Chapter 10.36.050, Chapter 10.76 Recreation Vehicle Parking to include permitted Recreational Vehicle Parking, and amendments to Sections 10.76.040 D and 10.76.050 B.

ORDINANCE NUMBER \_\_\_\_

*FIRST READING AND INTRODUCTION*

AN ORDINANCE OF THE CITY OF SEBASTOPOL AMENDING CHAPTER 10.76 AND CHAPTER 10.36 OF THE SEBASTOPOL MUNICIPAL CODE

WHEREAS, the public interest will best be served by having a clear and concise understanding of Recreational Vehicles (RV) rules and regulations of Sebastopol; and

WHEREAS, on November 30, 2021, the City of Sebastopol City Council approved Resolution Number 6386-2021, A Resolution of the City Council of the City of Sebastopol Proclaiming the Existence of a Local Homeless Emergency; and

WHEREAS, on February 23, 2022, the City of Sebastopol City Council approved Ordinance Number 1136, Amending Chapter 10.36 and Adding Chapter 10.76, Recreational Vehicle Parking Ordinance; and

WHEREAS, at the February 23, 2022 meeting, City Council directed staff to Provide Recommendations for Amendments to Ordinance 1136, Chapter 10.76 to allow Permitted RV Parking Changes in residential zoned areas of the City; and

WHEREAS, at the February 23, 2022 meeting, City Council directed staff to Provide further Clarification with Amendments to Section 10.76.040 D Parking Prohibitions “city-related business” and Section 10.76.050 B Exceptions for a 72-hr. exception for a homeowner, tenant, or out-of-town visitor, which are present in this proposed Ordinance and the Ordinance as it was approved on February 23, 2022; and

WHEREAS, the City of Sebastopol Police Department has provided an Ordinance Amendment that there to allow Permitted RV Parking in Residential Zoned Areas of the City and Amendments to further Clarify Section 10.76.040 D Parking Prohibitions “city-related business” and Section 10.76.050 B Exceptions for a 72-hr. exception for a homeowner, tenant, or out-of-town visitor, which are present in this proposed Ordinance and the Ordinance as it was approved on February 23, 2022; and

WHEREAS, Chapter 10.36 request for amendment is to include refence to the Recreational Vehicle Parking Ordinance contained in Chapter 10.76; and

WHEREAS, The City Council has reviewed the Police Department’s recommendations and desires to amend the Sebastopol Municipal Code; and

WHEREAS, Notice Public Hearing was given as required by law; and

WHEREAS, The City Council finds that the proposed changes are in the best health, safety, and welfare interests of the City.

WHEREAS, The above recitals are true and correct and are incorporated herein by this reference.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN THAT CHAPTER 10.36 IS HEREBY AMENDED AS FOLLOWS:

Amending of Chapter 10.36, Stopping, Standing and Parking for Certain Purposes or in Certain Places: Chapter 10.36.010(B), is hereby amended to read as follows:

The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this City, *including the Recreational Vehicle Parking Ordinance contained in Chapter 10.76*, prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

Amending of Chapter 10.36.050, Use of streets for storage of vehicles prohibited:

A. No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street, alley, or city-owned parking lot for more than a consecutive period of 72 hours. For purposes of this section, a vehicle shall be considered to have been parked or left standing for 72 or more consecutive hours if it has remained inoperable or has not been moved at least one (1) mile during said period. Obstruction of the odometer of a vehicle shall give rise to a presumption that the vehicle has not been moved as required by this section and the odometer reading shall be presumptively correct.

B. In the event a vehicle is left parked or standing upon a street, alley, or city-owned parking lot in violation of this section, it may be removed or towed; provided, that a warning notice has been placed on the windshield or other conspicuous place on the vehicle (if it has no windshield) advising that such removal or towing will occur without any further notice or warning 72 hours after the posting of the notice. Any member of the Police Department authorized by the Police Chief may remove the vehicle from the street in the manner and subject to the requirements of the Vehicle Code or issue a citation in lieu of towing removal.

C. A vehicle shall not be re-parked or returned to any location within on-half (0.5) mile of the location where such recreational vehicle was first parked sooner than 72 hours following the time that the vehicle was first moved.

BE IT FUTHER ORDAINED THAT THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN THAT CHAPTER 10.76 IS HEREBY AMENDED AS FOLLOWS:

**Recreational Vehicle Parking Ordinance**

Chapter 10.76. – **Recreational Vehicle Parking Ordinance**

Sections:

- 10.76.010 Title.
- 10.76.020 Findings and purpose.
- 10.76.030 Definitions
- 10.76.040 Parking Prohibited
- 10.76.050 Exceptions
- 10.76.060 RV Parking Permits
- 10.76.070 Duration and Limits
- 10.76.080 RV Parking Permit Application
- 10.76.090 RV Parking Permit Issuance
- 10.76.100 RV Parking Permit Display
- 10.76.110 RV Parking Permit Revocation
- 10.76.120 RV Parking Permit Fees

10.76.130	RV Parking Permit Appeals
10.76.140	Notice
10.76.150	Prohibited Activities
10.76.160	Violations

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**10.76.010 Title.**

This chapter shall be known as the “Recreational Vehicle Parking Ordinance.”

**10.76.020 Findings and purpose:**

The regulations enacted by this chapter are intended to ensure there is adequate parking for residents of the city and to regulate the parking of vehicles actively used as sleeping accommodations.

**10.76.030 Definitions**

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter:

“Homeowner” means any person who owns their home.

“Out-of-town visitor” means any natural person who does not reside in the city and who is temporarily visiting a resident of the city.

“Recreational vehicle” or “RV” means a motorhome, travel trailer, truck camper, camping trailer, or other vehicle or trailer, with or without motive power, designed or altered for human habitation for recreational, emergency, or other human occupancy. “Recreational vehicle” specifically includes, but is not limited to: a “recreational vehicle” as defined by California Health and Safety Code Section 18010; a “truck camper” as defined by Health and Safety Code Section 18013.4; a “camp trailer” as defined in California Vehicle Code Section 242; a “camper” as defined in California Vehicle Code Section 243; a “fifth-wheel travel trailer” as defined in California Vehicle Code Section 324; a “house car” as defined by California Vehicle Code Section 362; a “trailer coach” as defined in California Vehicle Code Section 635; a van camper; or a van conversion.

“Tenant” means any person who occupies land or property rented from a landlord.

**10.76.040 Parking Prohibitions**

A. It is unlawful for a person to park or leave standing any recreational vehicle on any public street in the city that is zoned residential at any time.

B. It is unlawful for a person to park or leave standing any recreational vehicle on any public street in the city that is zoned commercial, industrial, or community facility at any time between the hours of 7:30am and 10:00pm.

C. It is unlawful for a person to park or leave standing any recreational vehicle on any park, square, or alley at any time.

D. It is unlawful for a person to park or leave standing any recreational vehicle in any city-owned parking lot at any time unless that person is conducting city-related business during business hours. The city-owned parking lots for the Police, Fire, Public Works, and City Hall buildings may only be used when actively conducting business at those specific buildings.

E. It is unlawful for a person to park or leave standing any recreational vehicle less than 30 feet from the corner of any street so as not to impeded site visibility for other motorists.

#### **10.76.050 Exceptions**

The prohibitions of this section do not apply to:

A. Recreational vehicles parked or left standing as a result of a mechanical breakdown so as to allow the performance of emergency repairs on the vehicle for a period not to exceed 48 hours.

B. Recreational vehicles parked or left standing on any public street in the city that is zoned residential so as to allow the use of a homeowner, tenant, or out-of-town visitor to load/unload the vehicle for a period not to exceed 72 hours, which includes the loading/unloading of items and/or persons.

C. Nothing in the ordinance is applicable to commercial vehicles providing services to businesses, such as the delivery or picking up of goods or vehicles otherwise approved by other City of Sebastopol departments through that department's permitting process (e.g., construction vehicles).

#### **10.76.060 RV Parking Permits**

A. The Sebastopol Police Department has the authority to issue RV permits and to revoke such permits in accordance with the provisions of this chapter.

B. Persons holding a valid RV permit issued pursuant to this chapter may park the recreational vehicle for which the permit was issued on a street in a residential zoned area, provided the recreational vehicle is parked along the curb line within the same block as the residence listed in the application for which the permit is issued and the permit is valid. If the residence is located on a corner, then the permit holder may park along the curb line of either of the streets on the block on which the residence is located.

C. Except as expressly provided in this chapter, a RV permit does not authorize any vehicle to park in a location or manner that is otherwise prohibited by this code or by the California Vehicle Code.

D. A RV permit does not guarantee the availability of parking at any time.

#### **10.76.070 Duration and Limits**

A. RV permits will be valid for up to 7 days. No more than one RV permit shall be issued for each residential address in the city.

B. RV permits will be issued for a period not to exceed 7 days. Applicants may request an additional 7-day extension. No RV permit will be issued for a residential address for more than 14 total calendar days in

any consecutive six-month period, regardless of the number of out-of-town visitors during that period of time.

#### **10.76.080 RV Parking Permit Application**

A. Every resident desiring a RV permit for their own recreational vehicle or a recreational vehicle under their possession and control shall file an application with the Sebastopol Police Department containing the following information:

1. The name, residential address and phone number of the resident applying for the permit along with proof of residency, such as a current driver's license or identification card, property tax bill, or public utility bill;
2. The name, address, and phone number of the registered owner of the recreational vehicle for which a permit is sought along with a copy of the vehicle registration from the California Department of Motor Vehicles or equivalent agency from another state. If the resident applying for the RV permit is not the registered owner, a letter of authorization from the registered owner shall be included;
3. The license number, year, make, model, and color of the recreational vehicle and its dimensions as to width, height, and length;
4. The dates for which the permit is desired; and
5. Any additional information the Sebastopol Police Department may reasonably require.

B. An application for a RV permit for a guest may be filed by the resident and the out-of-town visitor. The application shall include the following:

1. The name, residential address and phone number of the resident that the out-of-town visitor will be visiting;
2. The name, address, and phone number of the registered owner of the recreational vehicle for which a permit is sought along with a copy of the vehicle registration from the California Department of Motor Vehicles or equivalent agency from another state. If the resident and out-of-town visitor applying for the RV permit is not the registered owner, a letter of authorization from the registered owner shall be included;
3. The license number, year, make, model, and color of the recreational vehicle and its dimensions as to width, height, and length;
4. The dates for which the permit is desired; and
5. Any additional information the Sebastopol Police Department may reasonably require.

#### **10.76.090 RV Parking Permit Issuance**

A. The Sebastopol Police Department shall issue a RV permit unless one of the following findings is made:



1. The applicant is not a city resident;
2. The resident is not the registered owner of the recreational vehicle and does not have the required letter of authorization from the registered owner to use such vehicle;
3. A RV permit has already been issued for a resident at the listed address;
4. There are public safety concerns relating to the parking of the recreational vehicle on the street on which the parking would be provided, including but not limited to a street being too narrow to safely accommodate the recreational vehicle;
5. The street on which parking would be provided prohibits parking of all vehicles; or
6. The applicant provided information that was materially false.

B. The Sebastopol Police Department shall issue a RV permit for a guest unless one of the following findings is made:

1. The out-of-town visitor is not the registered owner of the recreational vehicle and have the required letter of authorization from the registered owner to use such vehicle;
2. There are public safety concerns relating to the parking of the recreational vehicle on the street on which the parking would be provided, including but not limited to a street being too narrow to safely accommodate the recreational vehicle;
3. The street on which parking would be provided prohibits parking of all vehicles;
4. The applicant provided information that was materially false;
5. The out-of-town visitor is not visiting the resident listed in the application;
6. The address associated with the resident that the out-of-town visitor is visiting has already exceeded the number of days allowed for a RV permit for guests in the previous six months; or
7. The resident that is being visited has unpaid parking citations issued by the City of Sebastopol.

#### **10.76.100 RV Parking Permit Display**

A. All RV permits shall include the license plate number of the designated recreational vehicle, the date of issuance, the date of expiration, and the permit number.

B. All RV permits shall be conspicuously displayed in the lower driver's side of the windshield or nearest window so that it is clearly visible from the exterior of the vehicle so that all information is visible in order to avoid a parking ticket. The possession of a valid, unexpired permit that was not properly displayed shall not be considered a defense to a citation for an illegally parked recreational vehicle.

C. Any person who displays a counterfeit, forged, altered, or fraudulent RV permit is subject to citation, towing or both.

#### **10.76.110 RV Parking Permit Revocation**

A. The Sebastopol Police Department shall have the authority to revoke a RV permit in the following circumstances:

1. A ground exists which would have justified denial of the permit in the first instance;
2. The recreational vehicle has fallen into a state of disrepair and has become a public nuisance;
3. The recreational vehicle has created a disturbance in the neighborhood due to the manner in which it has been used;
4. The recreational vehicle has become inoperable;
5. There have been at least two parking citations issued for the recreational vehicle associated with the permit;
6. There has been a violation of any of the items listed under Prohibited Activities

B. The Sebastopol Police Department shall issue a notice of revocation in writing to the permittee specifying the effective date of the revocation, which date shall be at least two days after the date of service. Mailed notice shall be deemed served three days after deposit in the United States mail.

C. The permittee shall have the right to appeal in accordance with the provisions of Section 10.76.130.

#### **10.76.120 RV Parking Permit Fees**

An application fee shall be included for the review and consideration of an RV permit. The amount of such fee shall be set by separate resolution.

#### **10.76.130 RV Parking Permit Appeals**

An administrative appeals process shall be available for applicants whose RV permit applications were denied or whose RV permits were revoked by the Sebastopol Police Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion, or wherein their decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review. A filing fee, as established by resolution of the City Council, shall be paid at the time of filing the written appeal. Upon receipt of the appeal, the City Clerk shall set the date for consideration thereof, and, not less than five calendar days prior thereto, shall give written notice to the appellant and to any known adverse parties of the time and place of the consideration of the appeal. Appeals shall be heard by the City Manager or the City Manager's designee. Decisions by the City Manager on any appeal shall be final and are not appealable to the City Council.

#### **10.76.140 Notice**

Signs giving reasonable notice of the prohibitions contained in this chapter will be erected within the city as required by the California Vehicle Code.

**10.76.150 Prohibited Activities**

No person shall:

A. Run electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time;

B. Make a sewer connection with a recreational vehicle or dump wastes from a recreational vehicle onto public or private land other than a designated RV dump. Violation of this subsection is a misdemeanor.

**10.76.160 Violations**

Unless otherwise specified, all violations of this chapter shall be an infraction and such persons shall be subject to citation, towing or both. Parking citations may be appealed under California Vehicle Code 40215 et seq.

**SECTION 4.** CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

**SECTION 5.** Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6.** Effective Date. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same or a summary thereof to be published as required by law. This Ordinance shall take effect and be in full force 30 days after adoption by the City Council. The Effective Date Shall be: June 2, 2022.

APPROVED FOR WAIVING OF FIRST READING AND INTRODUCTION OF ORDINANCE at the Regular City Council Meeting of April 19, 2022.

SCHEDULED FOR SECOND READING AND ADOPTION OF ORDINANCE at a Regular City Council Meeting scheduled for May 3, 2022.

- VOTE:
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

APPROVED: \_\_\_\_\_

Mayor Patrick Slayter

ATTEST: \_\_\_\_\_  
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: \_\_\_\_\_  
Larry McLaughlin, City Attorney

**From:** [City Council](#)  
**To:** [Una Glass](#); [Sarah Glade Gurney](#); [Neysa Hinton](#); [Diana Rich](#); [Patrick Slayter](#)  
**Cc:** [Lawrence McLaughlin](#); [Kevin Kilgore](#); [Ron Nelson](#)  
**Subject:** FW: Permits for RVs  
**Date:** Monday, April 11, 2022 9:17:17 PM

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Good evening  
Please see email below.

*Thank you*  
*Mary Gourley*  
*Assistant City Manager/City Clerk, MMC*

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**From:** Joe [REDACTED]  
**Sent:** Monday, April 11, 2022 6:52 PM  
**To:** City Council <citycouncil@cityofsebastopol.org>  
**Subject:** Permits for RVs

Dear Council Members.

I want to extend my appreciation to council persons Gurney and Rich for responding to my objection regarding the RV ordinance. I am truly hoping that you will amend this to include permits for RV owners who live in town and give us an opportunity to keep our emergency evacuation vehicles at our home. Permitting would be an equitable and logical way to amend this overreaching ordinance and it would show the council is willing to support working class citizens who can not afford large homes or RV storage fees.

Please allow for permits for RVs, we really do not want to move but this ordinance has made us have to look for other options outside of Sebastopol. As teachers we are already feeling priced out of this town but at least we could keep one thing that is important to us.

Thank you so much and vote for permits on April 19!  
Joe LeBlanc