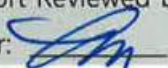


Agenda Report Reviewed by:  
City Manager: 

**CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM**

**Meeting Date:** May 3, 2022  
**To:** Honorable Mayor and City Councilmembers  
**From:** Chief of Police Kevin Kilgore  
**Subject:** Adoption of Ordinance 1142, 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 Further Clarify Section 10.36.050, Section 10.76.040 D, and Section 10.76.050 B.  
**Recommendation:** That the City Council Adopt the Ordinance  
**Funding:** Currently Budgeted: \_\_\_\_\_ Yes  No \_\_\_\_\_ N/A

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

**INTRODUCTION/PURPOSE:**

The item is for Council Adoption of Ordinance 1142, 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 Further Clarify Section 10.36.050, 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.

On April 19, 2022, the City Council conducted a public hearing and introduced an Ordinance 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 further clarify Section 10.36.050, Section 10.76.040 D, and Section 10.76.050 B. A Permitted RV Parking Ordinance was also proposed, but Council did not accept the proposal.

**DISCUSSION:**

Tonight’s item is to present to the City Council the final Ordinance which includes the amendments and minor edits and as approved at the April 19, 2022 City Council Meeting.

**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:**

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

**RECOMMENDATION:**

Staff recommend the Sebastopol City Council approve adoption of Ordinance 1142, 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 Further Clarify Section 10.36.050, Section 10.76.040 D, and Section 10.76.050 B.

**Attachments:**

Ordinance 1142 (which includes amendments to Chapter 10.36 – Stopping, Standing and Parking for Certain Purposed or in Certain Places, Section 10.36.050 and Chapter 10.76 Recreation Vehicle Parking, Sections 10.76.040 D and 10.76.050 B).

**ORDINANCE NUMBER 1142**

*SECOND READING AND ADOPTION*

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 one-half (0.5) mile of the location where such 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:

- 10.76.040      Parking Prohibited
- 10.76.050      Exceptions

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### 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).

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

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

### VOTE:

Ayes:

Abstain:

Absent:

Approved: Patrick Slayter, Mayor

ATTEST: \_\_\_\_\_

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Larry McLaughlin, City Attorney