


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: February 23, 2022
To: Honorable Mayor and City Councilmembers
From: Chief of Police Kevin Kilgore
Subject: Adoption of Ordinance 1136, An Ordinance of the City of Sebastopol Adding Chapter 10.76 Recreational Vehicle Parking Ordinance and Amending Chapter 10.36 of the Sebastopol Municipal Code.
Recommendation: That the City Council Adopt the Ordinance
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 Adoption of Ordinance 1136, An Ordinance of the City of Sebastopol Adding Chapter 10.76 Recreational Vehicle Parking Ordinance and Amending Chapter 10.36 of the Sebastopol Municipal Code.

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.

DISCUSSION:

Tonight’s item is to present to the City Council the final Ordinance which includes the minor edits as approved at the January 18, 2022 City Council Meeting.

City staff will return with a future agenda item to discuss personnel and material costs as discussed at the meeting of January 18th.

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:

As discussed at the January 18, 2022 meeting, City Staff will return with a separate agenda item to discuss the proposal that the current 0.75-time employee of the Sebastopol Police Department be converted to full-time employment status, the proposed creation of one new full-time employee position or two new part-time employee positions and a vehicle necessary for the employee(s) to operate, as well as costs for the creation and installation of signage.

Update: At the February 15, 2022 Council Meeting, the City Council approved:

1. Resolution to Authorize the City Manager to Implement a Program Improvement for Police Records and Support Services Effecting Changes to the Classification of Records/ Dispatch Supervisor;
 2. Increased the Police Technician from 0.75 to 1.0 Full-Time Equivalent;
 3. Authorized the City Manager to make non-substantive changes to classifications, effective March 15, 2022.
- The total cost of \$30,500 was approved to increase the Police Technician from 0.75 to 1.0 FTE.

RECOMMENDATION:

Staff recommends the Sebastopol City Council Approve Adoption of Ordinance 1136, An Ordinance of the City of Sebastopol Adding Chapter 10.76 Recreational Vehicle Parking Ordinance and Amending Chapter 10.36 of the Sebastopol Municipal Code.

Attachments:

Recreational Vehicle Parking Ordinance 1136

ORDINANCE NUMBER 1136

SECOND READING AND ADOPTION

**AN ORDINANCE OF THE CITY OF SEBASTOPOL ADDING CHAPTER 10.76, and AMENDING
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, at the November 30, 2021 meeting, City Council directed staff to Provide Recommendations for Parking Changes on Morris Street, Laguna Park Way, as well as City-Wide parking changes recommendations; and

WHEREAS, conditions of extreme peril to the safety of persons and property has arisen within the City as to homeless in general and particularly as to those who are living in RVs or cars on Morris Street and Laguna Park Way, and that action is needed; and

WHEREAS, the City of Sebastopol Police Department has recommended that there be parking restrictions for oversized and recreational vehicle; and

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

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

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN THE ADDING OF CHAPTER 10.76 AND AMENDMENT OF CHAPTER 10.36 AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. 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.

SECTION 3. Adding of Chapter 10.76: Chapter 10.76, Recreational Vehicle Parking, is hereby added to Sebastopol Municipal Code to read 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	Notice
10.76.070	Prohibited Activities
10.76.080	Violations

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 at the location for which the parking lot is designated.

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 impede 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.

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 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.

10.76.070 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.

10.76.080 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 and effect on March 3, 2022.

APPROVED FOR WAIVING OF FIRST READING AND INTRODUCTION OF ORDINANCE at Regular City Council Meeting of January 18, 2022.

APPROVED FOR SECOND READING AND ADOPTION OF ORDINANCE at a City Council Meeting of February 23, 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